

**AGENDA**

**This meeting will be webcast live and the video archive published on our website**

**Planning Committee  
Wednesday, 6th October, 2021 at 6.30 pm  
Council Chamber - The Guildhall**

**PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL THE PUBLIC VIEWING GALLERY IS CURRENTLY SUSPENDED**

**This Meeting will be available to watch live via: <https://west-lindsey-public-i.tv/core/portal/home>**

**Members:**

- Councillor Ian Fleetwood (Chairman)
- Councillor Robert Waller (Vice-Chairman)
- Councillor Matthew Boles
- Councillor David Cotton
- Councillor Michael Devine
- Councillor Jane Ellis
- Councillor Cherie Hill
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Jessie Milne
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Mrs Angela White

**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 - 10

- i) Meeting of the Planning Committee held on 8 September 2021

4. **Declarations of Interest**

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

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

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

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

6. **Planning Applications for Determination**

- |      |   |                |
|------|---|----------------|
| i)   | 141702 - Land off Saxon Way, Bardney                              | PAGES 11 - 56  |
| ii)  | 142675 - Hamilton Hill opposite Poplar Farm, Tealby Road, Walesby | PAGES 57 - 91  |
| iii) | 142948 - 5 Colins Walk, Scotter                                   | PAGES 92 - 100 |

7. **Public Report for Approval**

- |    |   |                 |
|----|---|-----------------|
| i) | Report seeking confirmation of Tree Preservation Order Somerby No1 2021 | PAGES 101 - 116 |
|----|---|-----------------|

8. **Determination of Appeals**

PAGES 117 - 139

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 28 September 2021

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 8 September 2021 commencing at 6.30 pm.

**Present:** Councillor Ian Fleetwood (Chairman)  
Councillor Robert Waller (Vice-Chairman)

Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Jane Ellis  
Councillor Cherie Hill  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Roger Patterson  
Councillor Mrs Angela White

**In Attendance:**  
Russell Clarkson Interim Planning Manager (Development Management)  
Martha Rees Legal Advisor  
Ele Snow Democratic and Civic Officer

**Apologies:** Councillor Mrs Judy Rainsforth

### 40 PUBLIC PARTICIPATION PERIOD

There was no public participation at this point in the meeting.

### 41 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 8 September 2021 be confirmed and signed as an accurate record.

### 42 DECLARATIONS OF INTEREST

Councillor J. Milne declared a non-pecuniary interest with regard to application number 143441 (agenda item 6a) as it was a West Lindsey District Council application. This was noted for all Members of the Committee.

### 43 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Interim Planning Manager (Development Management with

the following update.

The Consultation on the first draft of the revised CLLP had ended on 24 August 2021 and a summary of the responses would be presented at the next Central Lincolnshire Joint Strategic Planning Committee on 18 October 2021. The report would be made public and would be available on the Central Lincolnshire Local Plan website prior to the meeting taking place. These responses would be used to help inform further refinement to policy. The Draft Local Plan would then be presented to the Central Lincolnshire Joint Strategic Planning Committee again early 2022 and would then again be publically consulted on in spring 2022.

The following update regarding Neighbourhood Plans in the district was also provided.

Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Made Neighbourhood Plans	Brattleby, Caistor*, Cherry Willingham, Dunholme, Great Limber, Lea, Nettleham*, Osgodby, Riseholme, Scotter, Scothern, Saxilby, Welton, Willoughton, Glentworth, Spridlington, Sudbrooke, Scotton, Bishop Norton and Atterby, Gainsborough, and Morton.	Full weight
Corringham NP	Examination almost completed. PC has responded to examiner's questions raised in his Clarification Note. There doesn't appear to be any major issues. The Note and PC's responses can be viewed on our website. Examiner expects to issue his Fact Check Report shortly. This is where the examiner will let both PC and WLDC see his report subject to fact checking. His recommendations will not change.	Increasing weight
Sturton by Stow and Stow joint NP	Consultation on the submission version of NP (Reg16) has just started. Closes 22 October. The NP comprises several documents. The NP itself plus policy supporting documents on: local green spaces, neighbourhood profiles, protected views, and heritage assets including non-designated ones.	Increasing weight
Hemswell Cliff NP	Consultation on the draft version of NP(Reg14) has ended. PC confident of will quick turn round so expect to receive submission version (Reg16) soon.	Some weight
Fiskerton NP	PC has asked WLDC only to comment on a pre-consultation version (early draft pre Reg 14). As may be remembered, the original Fiskerton NP	Little weight

	was withdrawn by the PC in 2019. This is a new version of NP based it is understood on new consultation evidence.	
Neighbourhood Plans - made (21) - in preparation (20) - in pipeline (42) - being reviewed (2)*	To view all of WLDC’s neighbourhood plans go to: <a href="https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/">https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/</a>	<b>NP stage-weighting</b> -Made–full weight -Referendum successful–full weight -Examination successful/Decision Statement issued–significant weight -Submission Reg16–increasing weight -Draft Reg14 - some weight -Designated – little weight

**44 143441 - DEPOT CAENBY CORNER**

The Chairman introduced the first application of the evening, application number 143441, seeking permission to erect a new operational services depot to facilitate waste services in the region, including an operations office and staff welfare building, external yard for storage and maintenance of the vehicle fleet, bulky storage facility, staff and visitor parking, and site landscaping being variation of condition 2, 3 and 6 of planning permission 142916 granted 27 May 2021 re: wording of conditions, on land East of A15/North of A631 Caenby Corner Market Rasen.

The Committee heard there had been further comments from LCC Highways and LLFA, raising no objection and stating “The proposal does not have an impact on the Public Highway or Surface Water Flood Risk.” The West Lindsey District Council Growth Team had made no comment. Guidance from the Environment Agency stated: “The proposed development is located within a source protection zone and it is indicated that vehicle washing would take place on site. To reduce the risks to people and the environment the suitability of the location with respect to the protection of groundwater will need to be considered. In particular, mitigation is likely to be required to control risk to groundwater from vehicle washing and non-mains sewage discharge. Vehicle washing should be undertaken in a designated washing bay which should be designed so that run-off is isolated and directed to a silt trap or settlement tank. Run-off should either be collected in a sealed system for reuse, or collected in a sealed system for authorised disposal if connection to mains sewerage is not possible.”

With no registered speakers, the Chairman opened for comments from the Committee, first moving the recommendation from the Chair. A Member of the Committee sought confirmation that the footprint of the wash bay remained the same. This was confirmed to be the case.

Having been seconded by a Member of the Committee, the Chairman took the vote and it was, unanimously,

**RESOLVED** that permission be delegated back to officers to grant planning permission with conditions, subject to consideration of any further representations received within the consultation period, up to and including 13 September 2021.

**45 143333 - 43 PINGLE CLOSE, GAINSBOROUGH**

The second application of the evening was introduced by the Chairman. Application number 143333 for ground floor extension to form garage, together with first floor extension, at 43 Pingle Close Gainsborough.

With no update from the Officer and no registered speakers, the Chairman invited comments from the Committee. Members welcomed the details of potential shading across the neighbouring property and, having been moved and seconded, it was unanimously agreed that permission be **GRANTED** subject to the following conditions.

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:

Site Location & Block Plan ref. D04 Rev P01

Proposed First Floor & Garage Extension ref. D02 Rev P10

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

3. The materials used in the development shall match those stated on the application form.

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

**Conditions which apply or relate to matters which are to be observed following**

**completion of the development:**

None.

**46 142948 - 5 COLINS WALK, SCOTTER**

The Chairman introduced the final application, number 142948, for rear conservatory and raised terrace, including boundary treatments, at 5 Colins Walk Scotter. There was no Officer update and so the Chairman invited the first of the registered speakers to address the Committee.

Mr Paul Watkins, on behalf of the applicant, made the following statement.

“Clearly I'm speaking on behalf of Mrs Jean Barwick. She is 80 years of age, and felt somewhat intimidated about coming and addressing the meeting herself. So what I'd like to do is just go through for her. It's my understanding that the main areas of concern here relate to the way the conservatory has been built, namely the way it has been raised up. This has led to a complaint that Mrs Barwick can see into the bedroom of the complainant's bungalow. When Mrs Barwick bought the property it only had one entrance door. This was a concern, clearly, in the event of the fire. The building of the conservatory allowed a rear door to also be constructed. But due to the nature of the rear gardens of property the conservatory had to be built up, obviously so you ended up with a level floor inside the property itself. Where the step from the conservatory comes down onto the garden is near the adjoining property currently. I understand that additional plans have been or are being made to rectify that.

The statement the view would be spoiled by the installation of the screen doesn't really hold up that much as far as we can see, because the complainants yard itself is actually very cluttered, and they were talking about wanting to see the brook at the bottom. If they actually did some husbandry inside their own property that would solve the problem that wouldn't need to be looking across towards Mrs Barwick's.

The thing about looking into the bedroom window is a bit difficult. I've had a look before coming here this evening and it's a flat window facing out, both of them. She would have to stand on the steps and look back to actually look into the window and there is one occasion where she said she was speaking to the complainant and what she said was that she had the window open and she was talking to her. I'm sorry but if you're stood talking to somebody through an open window you can generally see things inside. But generally speaking according to Mrs Barwick and from what I've seen itself this evening they've got blinds on that window which clearly are closed most of the time apparently.

With regards to the spoiled view by the erection of the screen I have to say that when you rent or buy a property, you do not buy or rent a view that is something that can change over time. The screen was an idea to solve the privacy issues that were raised by complainants. They do seem a bit hell bent on causing an old lady as much grief as possible with regard to this. Obviously I can't say too much more that would be hearsay and obviously that would not be the remit of this meeting itself.

We do have to say that it is true Mrs Barwick was given incorrect advice by the builder at the

time of the construction about planning. This should have been checked before the construction started. However, you'll no doubt be aware that several properties, including the complainants, have conservatories that need planning permission but none of them seem to have it. The outcome of this meeting may or may not have an effect depending on the time that those conservatories were built.

In conclusion, I'd say that the steps from the conservatory being moved and the screen being installed would solve the privacy issues raised by the complainants. Their view being impaired is not within the remit of this meeting as such. Privacy goes both ways. Mrs Barwick is an elderly lady she spent a lot of time in a garden and so looking across at hers doesn't seem to be an issue but the fact that she could look back and maybe see through a window is a big privacy issue as far as the complainant's concerned. But the real thing is if you go to the bottom of the yard and look back, you have more chance of looking through the window than you have from the steps of the conservatory base so it's really, really difficult.

I hope that that clears things up. I just want to thank you on behalf of Mrs Barwick for allowing me to speak on her behalf to you."

The second speaker, Mr Vincent Hartley, had submitted a statement of objection to be read aloud by the Democratic Services Officer. The following statement was read.

"Dear Committee

My written statement regarding the above planning application and subsequent amendments.

I am the owner of the adjoining semi detached bungalow. As a result of other commitments I am unfortunately unable to attend this meeting. I have viewed the second revised planning application and am still of the conviction that it does not in any way address my fundamental concerns about loss of privacy or of light.

The person standing or even sitting on the raised terrace still has uninterrupted views of my garden. When walking up from the bottom of the garden you are instantly confronted with this overbearing structure and of course anyone standing or sitting on it. I emphatically disagree with the comments stated in the agenda that the screen provides adequate privacy.

The area of land adjacent to the terrace is an area where vegetables are grown. The loss of light in this area will of course be detrimental to the growing of such.

In addition, as is clearly shown on the latest drawing, the enlarged screen now falls within the 45 degree view from the centre of the main bedroom window at No 4.

The only solution that is acceptable to me and the occupiers is that the height of the terrace should be reduced to ground level as it approaches to within 1.5m of the actual party wall line. The construction at present partly stands on my land which I have had confirmed by a competent boundary surveyor although this has been clearly dismissed in the agenda.

I truly believe if you vote in favour of this planning application in its entirety then one person's privacy is more paramount than another. As when my neighbour is in her garden

she has a greater degree of privacy compared to the occupiers of my property who have basically none when observed from this raised terrace.

Yours faithfully  
Vincent Hartley”

The third and final speaker, also speaking in objection to the application, was invited to address the Committee. Mr Richard Rayner made the following statement.

“I can hardly believe the comments that the previous person made. Yes, I am the tenant, but I'm also a great friend of the owner and I have a guarantee of being able to stay in this property as long as I like.

To get around to this, Mrs Barwick initially came around to us and she said she would very much like to copy what we had. Now, the semi-detached bungalow, one would expect if you're going to copy something, then this would be, as they are semi-detached, a mirror image. Well, what has been built is the exact same thing. Only we have a stepped patio. We come out onto a metre, we start to drop down by a foot and we're away. We have no overlooking of our neighbour, I'm looking to the rear now, to that side. We don't see into Mrs Barwick's garden from that terrace if you like, but we only have height of a square metre of it and we have pot plants, it's not an area that we stay on.

Mrs Barwick's set up is to the far left of her property is a conservatory and then full flat level platform right up to the boundary. When Mrs Barwick stands, or somebody, at the end of that, then yes, they can look into our bedroom window. And this nonsense of if the window is open, our windows don't open that way. They open in a different way, they don't open so you see in they open so we see out.

Anyway, from the garden it's still quite an intimidating situation. Because, and we've joked, Jean and I, Jean and my wife that we trade plants, how I have helped Jean, she's been older than me, but I do some drilling for her and we've been great friends, until this. It's quite intimidating when a lot of people stand on this balcony platform, whatever you want to call it. And I've looked at the revised drawing but if you've removed those steps which has come down into the garden to be replaced by some steps to come down by the conservatory, then as far as I can tell, are going to be infilled. So we've got more platform. So you can even stand at the end of this platform and look further deeper into the garden.

What I suggest what I hope for what you can do for me is to remove those steps, as is planned, and the top part of the platform, therefore leaving about a metre between boundary, and her platform, and perhaps there's no need for the screen.”

The Chairman thanked all speakers and invited further comment from the Officer. He explained that, in relation to some of the points made by all parties, a response from the Chartered Surveyor had reviewed the title plans for numbers 4 and 5 Colins Walk. He stated that: “...these show the boundary between 4 and 5 Colins Walk as being a straight line. Obviously, this line is approximate within the bounds of accuracy inherent in Land Registry Title Plans. Within those parameters, the plans do appear to show that the boundary runs along the centre line between the houses and along the party wall. There is no marking of a deviation such that the fence at the rear of the property is offset from the party wall. Nevertheless, offsetting of 0.2 to 0.3m would not necessarily be shown on Ordnance Survey

plans.”

In addition, the Officer highlighted that the agent for the applicant had stated ‘the adjoining owner was incorrect in the statement stating it is built on his land, there had been no claim submitted to the client stating this. The client had demonstrated adverse possession of the land with their solicitor and it had been in the ownership of 5 Collins Walk since the building was constructed. The redline also matched the current OS map data and nothing had been amended to make it fit.’ In relation to these points, the Officer highlighted that the planning system entitled anyone to apply for permission to develop any plot of land, irrespective of ownership. However, an applicant was required to notify owners of the land or buildings to which the application related. It was an offence to complete a false or misleading certificate, either knowingly or recklessly, with a maximum fine of up to £5,000. He also highlighted that the purpose of the meeting was not to determine land ownership, but to consider the amended proposal as seeking permission.

The Chairman thanked him for his comments and opened discussions to the Committee. Members appreciated the concerns of both the applicant and the objectors. A Member of the Committee proposed a site visit, in order to fully understand the implications of the proposed screen as well as the level of ‘overlooking’ from the terrace. This was duly seconded and, having been voted upon, it was

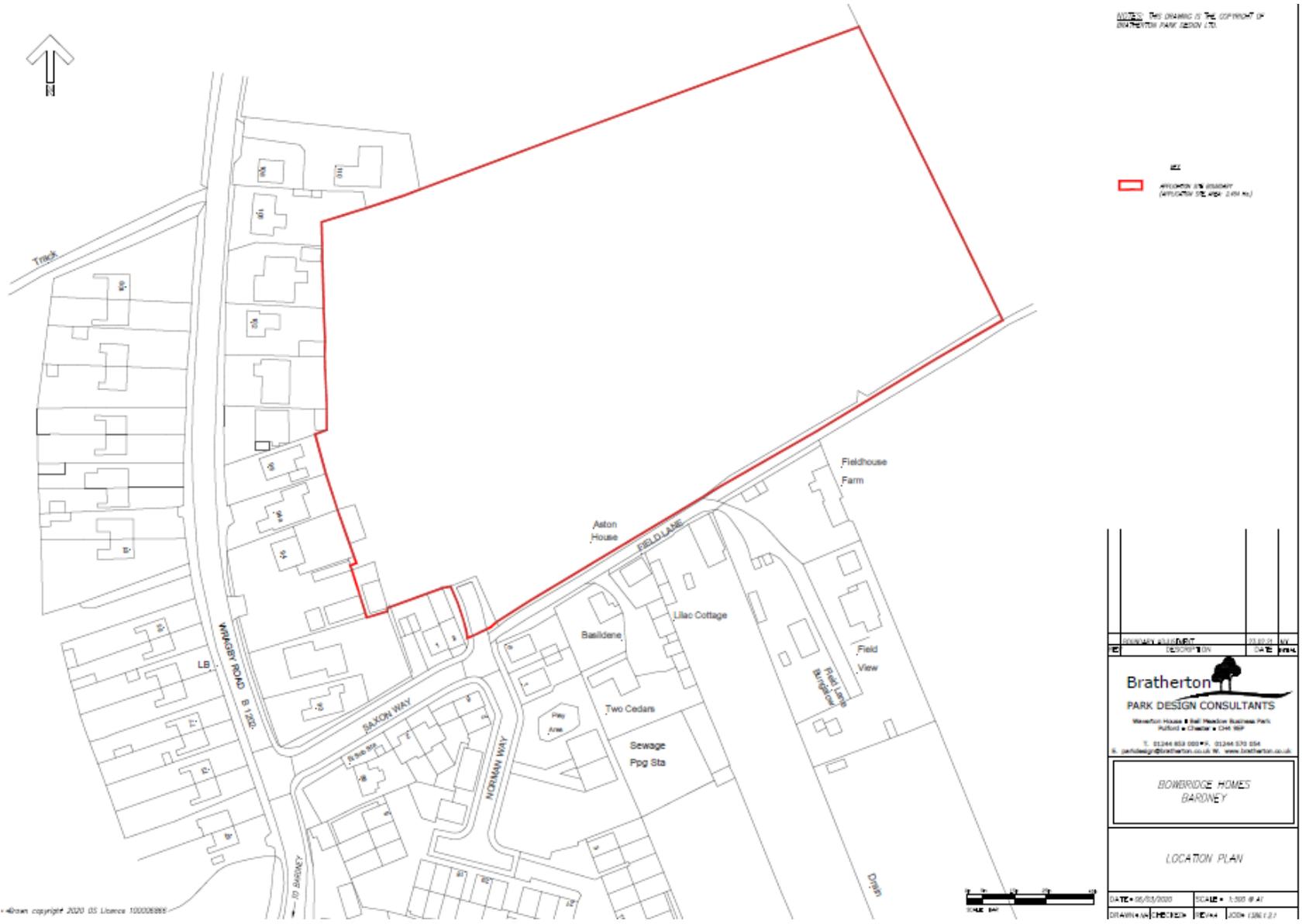
**RESOLVED** that a site visit be undertaken, at a time and date to be determined.

#### **47 DETERMINATION OF APPEALS**

There were no appeal determinations for noting.

The meeting concluded at 7.12 pm.

Chairman



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**PROPOSED SITE BOUNDARY**  
 (APPROXIMATE AREA 2.69 Ha)

DATE	21.03.20	BY	
DESIGNED BY		CHECKED BY	
 <b>Bratherton</b> <b>PARK DESIGN CONSULTANTS</b> Waverley House & Bell Meadow Business Park, Rutland & Chatter & Oak Hill			
T: 02344 853 000 F: 02344 570 054 E: parkdesign@bratherton.co.uk W: www.bratherton.co.uk			
<b>BOWBRIDGE HOMES</b> <b>BARDNEY</b>			
<b>LOCATION PLAN</b>			
DATE	05/03/2020	SCALE	1:500 @ A1
DRAWN BY	TC/ED	CHECKED BY	TCM
JOB# 136127			

## **Officers Report**

### **Planning Application No: 141702**

**PROPOSAL:** Planning application for the siting of 65no. single storey Modular Park homes for over 55s

**LOCATION:** Land off Saxon Way Bardney Lincs LN3 5XW

**WARD:** Bardney

**WARD MEMBER(S):** Cllr Ian Fleetwood

**APPLICANT NAME:** Bowbridge (B&MR) Limited

**TARGET DECISION DATE:** 19/01/2021 (Extension of time agreed until 8th October 2021)

**DEVELOPMENT TYPE:** Major - Dwellings

**CASE OFFICER:** Ian Elliott

#### **RECOMMENDED DECISION:**

To grant planning permission, subject to conditions, 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:-

- A restriction to occupation of all 65 units to the over 55's
- An off-site affordable homes contribution of £101,890
- An NHS contribution of £41,112.50 towards a loft expansion and subsequent alterations to the ground floor at a new surgery at Woodhall Spa.
- Open space on the site including a management and maintenance plan.

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#### **Executive Summary**

This is a full application for up to 65 park homes restricted to occupation of the over 55's. The site is an undeveloped part of an allocated housing (CL1144) site to the east of Wragby Road, Bardney which has extant permission for residential dwellinghouses.

The main objections raised by Bardney Parish Council and residents relate to:

- Affordable housing contribution.
- Infrastructure impacts such as NHS and Education.
- Highway Safety impacts on the village and traffic generation.
- Impacts on drainage, residential amenity and character

The principle of housing development on the site has been established through its allocated status and access to the site is only reasonably possible from one location, namely Saxon Way. The site contributes towards the current Central Lincolnshire five year housing land supply.

The development is for over 55's park homes, which meet the definition of a caravan. A legal opinion has set out that the park homes are considered as dwellings as part of the allocation, and therefore will contribute towards the

housing supply. Affordable housing and infrastructure contributions can be sought, but the community infrastructure levy is not legible.

The development would provide a financial contribution towards off-site affordable housing provision; and a full NHS contribution, following a robust viability process and subsequent negotiations. Open space is provided on-site which compliments existing facilities.

The 65 park homes proposed is below the indicative 73 dwellings left on this section of the allocated site. A site layout has been submitted which clearly demonstrates the capability of the site to accommodate the 65 park homes and all the necessary infrastructure such as roads, parking, footpaths, open space and adequate amenity space whilst not harming the character of the area, existing trees and protecting residential amenity.

Some concerns have been raised in relation to surface water drainage but surface water drainage is capable of being addressed through the submission of further details through a condition.

Subject to conditions (particularly surface water drainage) it is considered that the proposal would be acceptable and would accord with policies LP1, LP2, LP3, LP9, LP10, LP11, LP12, LP13, LP14, LP17, LP21, LP24, LP25, LP26, LP52 of the Central Lincolnshire Local Plan, policy M11 (Safeguarding of Mineral Resources) of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the National Planning Policy Framework

### **Proposal**

Full planning permission is sought for the siting of 65 modular park homes with associated roads and vehicle parking. The development is proposed to provide residential accommodation for people over the age of 55. The residential units will be delivered to the site in two parts on a heavy goods vehicle and bolted together on the plots (as per the statutory definition of a “caravan”<sup>1</sup>).

### **Description**

The application site is an area of grass land last used for agriculture, totalling 2.4 hectares. It is primarily flat with a number of grass bunds to the north and east of the site. The site is fenced off and currently in an overgrown condition. It is located adjacent to the north east of Bardney’s developed footprint. The site is part of a wider allocation for residential housing development in the Central Lincolnshire Local Plan under reference CL1144. The other areas of the allocated site have already been built out with more traditional build dwellings (29 dwellings).

The site is screened by a diverse mix of boundary treatments. The north boundary is screened by grass bunds, hedging, metal fencing and trees. The

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<sup>1</sup> S29(1) of The Caravan Sites and Control of Development Act 1960; and s13 of the Caravan Sites Act 1968 (as amended by The Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006)

east boundary is screened by grass bunds, hedging and trees. The south boundary is screened by conifer trees, metal fencing and grass bunds. The west boundary is screened by fence panels, hedging and small trees.

Neighbouring dwellings of mixed age, scale, design and position sit adjacent or opposite to the north, south and west. Open fields are to the west and partly to the north and south.

The site is in a Sand and Gravels Minerals Safeguarding Area. Public Rights of Way Bard/200/1 runs adjacent the south boundary of the site and connects to Bard/215/1 and Bard/215/2 which sit approximately 225 metres to the east. The site is in flood zone 1 (low probability) and is predominantly at a very low risk of surface water drainage, according to the Environment Agency Map for Planning. Bardney Limewoods (Scotsgrove Wood) sits approximately 230 metres to the east and is a Site of Special Scientific Interest.

### **Relevant history**

120613 - Planning application to erect 98 dwellings and associated garages, roads and public open spaces – 14/12/07 - Granted time limit and other conditions

### **Representations**

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

**Bardney Parish Council:** Objections (summarised)

Representations received 5th November 2020, 5th March 2021 and 18th June 2021

### **Design**

- The properties are very closely positioned together which will create a fire hazard.
- There is no parking or very little parking provision for visitors.

### **Over 55's Restriction**

- Difficult to implement and enforce over 55's limitation in the long term.
- If the development is aimed at the over 55 then the site does not comply with LP10 which states, 'where possible, higher accessible homes should be located close to any existing or proposed centre (as defined in Policy LP6) and public transport connections.' There are no public buses passing the area (other than school buses) and the nearest bus stop is circa 500m away in the village centre, which in turn shows that LP6 is also not complied with.

### **Infrastructure**

- The impact on public services and infrastructure will be exactly the same as if there were 69 brick and slate built properties.

- At present Bardney Surgery has very limited capacity and the additional burden that this proposal would place on this service would impact on existing residents.
- If this proposal was to be implemented that BGPC would ask that funding is given to provide a new play park in the village as well as support an increase in medical provision within Bardney.
- Older generation place a greater demand on the NHS.
- The Bardney branch of the Woodhall New Surgery is currently operating at full capacity and closed to new patients, therefore the claim that the NHS s106 payment is not required is incorrect.

#### Highway Safety

- The Transport Statement claims that residents should be encouraged to cycle. Unfortunately the volume of traffic travelling through Bardney has increased greatly over the last few years and due to the number of tight bends in the road, cycling would not be classed as easily accessible to all.
- Public transport provision in Bardney is very poor compared to other communities.
- The access does not comply with LP13 (c).
- Construction traffic will have to park on the highway, which will have significant impact on the safety of those living and using Wragby Rd.
- The entrance on to Saxon Way from Wragby Rd and the entrance to the site is not suitable for the number of vehicles that would be required to access the site. Visibility at the junction of Saxon Way and Wragby Rd is limited due to the topography of the land.

#### Drainage

- The site has a history of drainage problems.
- The tree survey document included in the application provided evidence of flooding in the vicinity.
- Currently there is no spare capacity in the drainage system (foul and surface water drains).
- In times of heavy rainfall the lack of capacity means that several properties are flooded with effluent.
- Drainage for both sewage and surface water is a known problem in Bardney.
- The Water Study of 2010, stated that drainage infrastructure for the Bardney area only had capacity for a further 333 dwellings, a rough calculation shows that nearly 400 have been approved or built. Since 2010, Chestnut Homes has implemented part II (93 homes) & III (170) of their development.
- The situation in Bardney, with regards to the lack of capacity, means that in times of heavy rain fall Anglian Water having to deploy a tanker to pump out the drains. Infrastructure.

#### Community Infrastructure Levy

- Request a CIL contribution is made if full.

**Local residents:** Objections received from:

4 Knowles Way, Bardney  
42, 110 Wragby Road, Bardney  
6, 59a Silver Street, Bardney  
7 Jubilee Close, Bardney  
1, 3 Saxon Way, Bardney

Infrastructure

- Putting more pressure/demand on local amenities like our Doctors/School/Sewer.
- There is a legal charge on the land dated Dec 2019.
- I would suggest that S106/CIL is a condition of the planning approval. The money used to bring the bus services up to the standard that the developer sees as a positive for the development, and also contribute to the local medical services and infrastructure

Character

- Bardney is a quiet small village with a village atmosphere. Don't ruin it with this proposal.

Residential Amenity

- Privacy at 110 Wragby Road will deteriorate as there will be no clear boundary fence once the bungalows have been built.
- The previous plans that was passed for the development of houses on this same piece of land detailed that there would be a 10m tree belt between the boundary and the new houses. This would create a barrier for privacy, this is not the case with this new proposed plan.
- The side and rear of 110 Wragby Road will be subjected to light and noise pollution as these bungalows and car park spaces will be so close to my property.
- The view from the kitchen window and all windows at the rear of 110 Wragby Road will be subjected to this proposed development/park.
- I am concerned regarding what the finished ground level of the site will be in relation to 110 Wragby Road, Bardney. For e.g. if the developers build up the ground level this could create a risk of my property being flooded in the future. Also my view will be subjected to even more roofs.
- A 7 foot fence all the way along the boundary will be required to block the unsightly views that this development will create.
- Don't want a procession of HGV's coming through the estate.

Highway Safety

- This proposal would vastly increase the amount of traffic on the already narrow Saxon Way/Field Lane and with the junction to Wragby Road, near to a bend and the exit/entrance road to the village, people are known to speed on this section of road. It would greatly increase the likelihood of a road traffic accident.
- They will struggle to bring any form of prefab housing/lorries through the estate.

### Landscaping

- Current plan does not indicate where street lights will be positioned or show details regarding what trees will be planted along the boundary.

### Drainage

- The drainage in Bardney does not have the capacity to support the additional number of homes proposed in this development.
- The village drainage is already giving problems which are only just coping with the extra Chestnut Homes.

### Flooding

- The land is prone to pluvial flooding.

### Ownership

- The boundary on the location plan and masterplan appear to come up to our front door and the area to between the wall of the house (3 Saxon Way) and the pavement to be planted with trees. I would like to point out that this area is owned by me and as such the plans are incorrect and will need to be redrawn.

### Use

- How is “over 55’s” going to be policed?

### Other

- The number of buses mentioned in the application is incorrect.

**LCC Highways/Lead Local Flood Authority:** No objection subject to conditions and advice

Representation received 10th May 2021:

Recommended conditions are:

- Construction management plan
- Surface water drainage scheme based on sustainable drainage principles.

Representation received 10th March 2021:

- The Car Parking arrangements are now acceptable.
- As per pre-application discussions, the Applicant is to consider the pedestrian permeability through the site to the adjacent PROW network. The PROW has been identified as requiring improvements from the furthest link from the proposed development along the footpath to the road network for suitability for pedestrians, pushchairs and mobility scooters.
- The previous permission for the site, pre dated SuDs requirements. It is recommended that the Applicant submits all relevant information and testing to support the proposed strategy for dealing with the surface water. This lack of detail could potentially impact the proposed layout, at a later stage.
- The revised drawing demonstrates a turning head, to adoptable standards at the entrance to Saxon Way. Can the Applicant confirm is it the intention for LCC to adopt under a S38 agreement or that this will remain private.

Representation received 28th October 2020:

#### Drainage

Further supporting information is required to be submitted in support of the proposed drainage strategy. This is a major application, and in accordance with the NPPF, SuDs is to be considered for the management of surface water, whilst considering the SuDs hierarchy (connection to a sewer is the last consideration). Please request the following:

- Detailed drainage strategy concluding how the surface water on the site will be managed
- Discharge agreements
- Ground investigation report
- Detailed drainage design (identifying conveyance techniques, attenuation etc)
- Hydraulic calculations

#### Layout

It is detailed within the application form that 145 car parking spaces are proposed to serve the development. The proposed masterplan fails to demonstrate the location of these available parking spaces. Can it be confirmed and demonstrated that each individual plot has a minimum of two parking spaces.

#### **Housing Strategy and Enabling Officer: Comment**

Representation received 1st March 2021:

Affordable housing based on 65 units at 25% would be £16.25 units as an off-site contribution would equate to £1,493,245.

Representation received 1st February 2021:

I have amended my previous consultation response based on the legal advice received regarding this site.

Based on the advice received, it has stated that this site is a new application with a red line boundary that does not encompass the previous site. This site, as a standalone site, in the Lincoln Strategy area, would be required to make an affordable housing contribution of 25% which equated to 17.25 units. The units proposed in the above application would not be suitable for affordable housing based on their nonstandard construction, consequently the 17.25 units would need to be delivered as an off-site contribution.

Alongside this, within the advice received, an example was given of an inspector considering that a contribution was more appropriate than on-site provision due to the unwillingness of social landlords to operate units on a mobile home site (application N/108/02023/19 determined by East Lindsey District Council.) This site does not constitute specialist housing for over 55's due to the lack of additional facilities, simply age designating a scheme for over 55's does not make it specialist accommodation and so an exemption from affordable housing based on the scheme being specialist cannot occur.

Since the original consultation response was submitted, the commuted sum has been recalculated based on current values and so in the Lincoln strategy area commuted sum is now £91,892. With the amended requirement for 17.25 units and the new commuted sum figure this equates to an off-site affordable housing contribution of £1,585,137. A s106 will need to be put in place to secure the affordable housing contribution.

Representation received 11th November 2020:

The previous application on this site (120613) delivered 19 units of affordable housing. The S106 for this site clearly states the number of affordable housing units to be delivered on this site as a whole is 25, this leaves 6 remaining to be delivered on this site.

The units proposed in the above application would not be suitable for affordable housing based on their nonstandard construction, consequently the 6 units would need to be delivered as an off-site contribution. Currently, there is not a mechanism within the S106 to allow for this and so a deed of Variation to the S106 would need to be undertaken to facilitate this change to off-site provision.

The site is within the Lincoln strategy area and so the commuted sum required is £88,988 per unit. This equates to £533,928 for the remaining 6 units required on this site.

West Lindsey in conjunction with Housing LIN<sup>2</sup> and the other authorities in Greater Lincolnshire undertook a project to determine housing need for older people. This project detailed that a wider choice of housing was required for older people in Greater Lincolnshire. The proposed units on this site is away from the standard type of housing for older people, there are a number of these types of schemes already within West Lindsey at Torksey and Burton Waters which are popular amongst people over the age of 55.

**Environment Agency:** No objections

**LCC Archaeology:** No objections

**LCC Public Rights of Way:** No objections with comment

The Definitive Map and Statement shows Definitive Footpath (Bardney) No. 200 in the vicinity of the site although this would not appear to affect the proposed development. The drawings are interpreted as saying that there is to be no access (for residents) from any of the turning heads into Field Lane. Were that not to be the case, with residents access to Field Lane facilitated, including by any control measures such as keys or security codes, then improvement would be sought to Field Lane between the farthest access point and the roadside.

- a) It is expected that there will be no encroachment, either permanent or temporary, onto the right of way as a result of the proposal.

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<sup>2</sup> <https://www.housinglin.org.uk/>

- b) The construction should not pose any dangers or inconvenience to the public using the right of way.
- c) If any existing gate or stile is to be modified or if a new gate or stile is proposed on the line of the public right of way, prior permission to modify or erect such a feature must be sought from this Division

If there is any doubt that any of these conditions may be breached then a temporary diversion or closure may be needed. Under these circumstances, please advise the applicant to contact Mr Chris Marsh at this office at least 13 weeks prior to their proposed start date. Applicants should be aware that there is a cost in processing such Orders

**Anglian Water:** No objections subject to a condition and comments

Assets Affected:

Add advisory text to notice should permission be granted.

Wastewater Treatment:

- Bardney Water Recycling Centre will have available capacity for these flows.

Used Water Network:

This response has been based on the submitted Drainage Strategy Report. The sewerage system at present has available capacity for these flows. Informatives.

Surface Water Disposal:

The preferred method of surface water disposal would be to a sustainable drainage system (SuDS) with connection to sewer seen as the last option. Building Regulations (part H) on Drainage and Waste Disposal for England includes a surface water drainage hierarchy, with infiltration on site as the preferred disposal option, followed by discharge to watercourse and then connection to a sewer.

The surface water strategy/flood risk assessment submitted with the planning application relevant to Anglian Water is unacceptable. We would therefore recommend that the applicant needs to consult with Anglian Water and the Lead Local Flood Authority (LLFA). We request a condition requiring a drainage strategy covering the issue(s) to be agreed.

Summary of recommended conditions:

- A surface water management strategy prior to any drainage works commencing.

**Natural England:** No objection subject to a condition

We consider that without appropriate mitigation the application would damage or destroy the interest features for which the Bardney Limewoods (SSSI) has been notified.

Condition recommended:

- Details of the SuDS system and its future management and maintenance.

**Lincolnshire Police:** No objections with advice

Advice provided on:

- Landscaping
- layout of roadways and footpaths
- Communal Areas (Public Open Spaces) where applicable
- Lighting
- Building Regulations
- Door Chains and Viewers
- Intruder Alarms

Should outline planning consent be granted, I would ask that consideration be given by the Authority to require full details of what crime prevention measures are to be incorporated into this development.

I would refer the developer to Homes 2019 which can be downloaded on [www.securebydesign.com](http://www.securebydesign.com).

**WLDC Tree and Landscape Officer:** Comments

Further information is required, as detailed above, regarding cellular confinement system type and its installation, plus tree, hedge and shrub details. Some unit positions should be revised to avoid placing the units within the crowns of trees to be retained, in particular the category B trees. I raise concerns regarding unit positions so close to site edges and leaving insufficient space for worthwhile landscaping with a future.

**LCC Education:** Comment

Subject to the park homes being conditioned to be over-55s only, the County Council has no comments on this application; should these not be subject to a condition restricting tenure, this may generate an education request.

**NHS:** Contribution Requested

Based on a calculation of £632.50 per dwelling the contribution requested for the development amounts to £41,112.50. It is requested that the trigger point for the release for funds for health care be set at payment of all monies upon completion of 50 percent of the dwellings for each phase of the development. This will ensure the practices are not placed under undue pressure. The contribution would be put towards a loft space expansion at Woodhall Spa's New Surgery which is in the catchment area of Bardney. The improvements would be:

- Altering the roof beams, removing the light wells and connecting the two different loft spaces together, as well as the general finishing off of the remaining space (electricity, plumbing, walls, windows, stairs, etc.). This would enable the whole admin team to be relocated up into the loft conversion, with a meeting room, staff room and additional storage space.
- Having dedicated storage space will allow them to free up the admin room at Bardney to be turned into a minor surgical room; and if funds allow a third consulting room. Having a local minor surgical room means that patients have shorter distances to travel along with a reduction in waiting times.

- The current Practice Managers office would revert to a GP trainee's room (which means that, in conjunction with the room at Bardney the practice will have space for two new trainees).
- Moving the staff room into the loft space expands the available administrative space for the reception teams by adding a partition wall, they will be able to separate the reception front desk from the behind-the-scenes area ,improving patient confidentiality.

**Ramblers Association:** No representations received to date

**Lincolnshire Wildlife Trust:** No representations received to date

**LCC Minerals and Waste Team:** No representations received to date

**IDOX checked:** 22nd September 2021

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A Presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP3 Level and Distribution of Growth

LP9 Health and Wellbeing

LP10 Meeting Accommodation Needs

LP11 Affordable Housing

LP12 Infrastructure to Provide Growth

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP21 Biodiversity and Geodiversity

LP24 Creation of New Open Space, Sports and Recreation Facilities

LP25 The Historic Environment

LP26 Design and Amenity

LP52 Residential Allocations – Large Villages

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

- ***Neighbourhood Plan (NP)***

Whilst the site is within a designated Neighbourhood Area (designated January 2017), there is currently no neighbourhood plan to take into consideration with this application.

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is within a Sand and Gravel Minerals Safeguarding Area. Policy M11 (Safeguarding of Mineral Resources) applies.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021.

Paragraph 68 states:

*"Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:*

*a) specific, deliverable sites for years one to five of the plan period and*

*b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan."*

Paragraph 219 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Code**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan/Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

The consultation on the Draft Central Lincolnshire Local Plan which ran for 8 weeks from **30 June to 24 August 2021** has now closed. The plan addresses a range of issues such as climate change, housing, employment, shopping and more.

Relevant Policies:

- S1 The Spatial Strategy and Settlement Hierarchy
- S2 Growth Levels and Distribution
- S4 Housing Development in or Adjacent to Villages
- S20 Flood Risk and Water Resources
- S21 Affordable Housing
- S22 Meeting Accommodation Needs
- S44 Strategic Infrastructure Requirements
- S46 Accessibility and Transport
- S48 Parking Provision
- S50 Creation of New Open Space, Sports and Leisure Facilities
- S52 Design and Amenity
- S53 Health and Wellbeing
- S56 The Historic Environment
- S59 Protecting Biodiversity and Geodiversity
- S60 Biodiversity Opportunity and Delivering Measurable Net Gains
- S65 Trees, Woodland and Hedgerows
- S66 Best and Most Versatile Agricultural Land
- S70 Housing Sites in Large Villages (WL/BARD/020)

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **limited weight** in the consideration of this application.

<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

**Other:**

Central Lincolnshire Developer Contributions Supplementary Planning Document - Adopted June 2018

<https://www.n-kesteven.gov.uk/central-lincolnshire/local-plan/supplementary-planning-documents-and-guidance-notes/>

Town and Country Planning (Use Classes) Order 1987 (as amended)  
<https://www.legislation.gov.uk/uksi/1987/764/contents/made>

Caravan Sites and Control of Development Act 1960  
<https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

Caravan Sites Act 1968  
<https://www.legislation.gov.uk/ukpga/1968/52/contents>

Strategic Housing Market Assessment dated July 2015

West Lindsey Housing Strategy 2018-2022  
<https://www.west-lindsey.gov.uk/my-services/housing-and-home-choices/housing-strategies-and-policies/west-lindsey-housing-strategy/>

Central Lincolnshire Five Year Land Supply Report 1 April 2021 to 31 March 2026 published November 2020  
[https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/?185246e2-47c9-47e5-86a3-89192d42badb\\_cord=DESC](https://www.n-kesteven.gov.uk/central-lincolnshire/planning-policy-library/?185246e2-47c9-47e5-86a3-89192d42badb_cord=DESC)

**Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*Discussion*  
*Concluding Statement*
- Minerals Resource
- Viability Assessment
- Affordable Housing
- Developer Contributions  
*National Health Service*  
*LCC Education*  
*Open Space*  
*Community Infrastructure Levy*
- Health Impact Assessment
- Visual Impact
- Residential Amenity
- Highway Safety
- Drainage  
*Foul Water*  
*Surface Water*
- Archaeology
- Biodiversity  
*Trees*  
*Protected Species*

## Assessment:

### Principle of the Development

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

### *Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 states most housing development proposals in Bardney (Large Village) will be '*via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint*'.

Local Policy LP52 identifies sites within large villages which are allocated primarily for residential use. This Bardney site is identified by allocation reference CL1144 (WL/BARD/20 in DCLLPR) as land at Field Lane, East of Wragby Road, Bardney (3.41 hectares) for an *indicative* 73 dwellings.



As demonstrated by the above inset plan allocated site CL1144 extends over a wider area than the application site and already benefits from development commenced under planning permissions 120613 and 126772. As observed at the officer's site visit the site has been partially implemented, with 19 of the 98 dwellings already constructed comprising affordable housing.

### *Discussion:*

The application proposes to construct 65 modular park homes for the over 55's on an allocated site which adjoins three boundaries of the settlement and projects east into the open countryside. The CLLP identifies that the site is appropriate for an indicative 73 dwellings towards the growth of Bardney and the Central Lincolnshire housing supply.

<sup>3</sup> <https://www.n-kesteven.gov.uk/central-lincolnshire/policies-map-and-interactive-map/>

The application has included an indicative site layout plan 1386/1/2 Revision G dated 2nd February 2021 which demonstrates that the site can accommodate the proposed amount of dwellings alongside infrastructure and an area of open space.

As the development now proposes modular homes on the site, legal advice has been sought. The advice received is used where applicable in the assessment. In terms of the proposed use of the allocated housing site there are a number of key considerations which need to be addressed.

1. Do the modular park homes fall within the definition of a caravan?
2. Can the modular park homes be considered as permanent residential units in accordance with use class C3 of Town and Country Planning (Use Classes) Order 1987 (as amended) (UCO)?
3. Can the 69 modular park homes count towards the Central Lincolnshire Housing Supply?
4. Is there policy support for restricting the occupancy to the over 55's?

*Definition of a Caravan:*

The definition of a caravan is set out in section 29(1) of the Caravan Sites and Control of Development Act 1960<sup>4</sup>. Section 29(1) states that caravan means:

*“Any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include —*

- (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or*
- (b) any tent.”*

Section 13(1) and (2)<sup>5</sup> of the Caravan Sites Act 1968 (as amended<sup>6</sup>) sets out the definition of a twin unit caravan and the dimensional restrictions. Section 13(1) states that a twin unit caravan is:

*“A structure designed or adapted for human habitation which —*

- (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and*
- (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer),*

*shall not be treated as not being (or as not having been) a caravan within the meaning of Part I of the M1Caravan Sites and Control of Development Act*

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<sup>4</sup> <https://www.legislation.gov.uk/ukpga/Eliz2/8-9/62>

<sup>5</sup> <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

<sup>6</sup> <https://www.legislation.gov.uk/uksi/2006/2374/article/2/made#article-1-1>

1960 by reason only that it cannot lawfully be so moved on a [F1highway] [F1road] when assembled.”

Section 13(2) restricts the dimensions to which the caravan (single or twin unit) cannot exceed. These are:

- (a) length of 20 metres
- (b) width of 6.8 metres
- (c) overall height of 3.05 metres

Paragraph 1.4 of the submitted design and access statement confirms that *“The proposed dwellings meet the definition of caravans in Section 29 of Caravan Sites and Control of Development Act 1960: they will be composed of less than two parts; will be erected on site using bolts, clamps or other devices; when constructed will be capable of being moved from place to place by road, and; will all be less than 20m long, 6.8m wide and 3.05m high.”*

On assessment the proposed structures would meet the definition of a caravan as twin units and the submitted plans propose structures which would not exceed the dimensional restrictions set out in Section 13(2)<sup>7</sup> of the Caravan Sites Act 1968.

#### *Permanent Residential Units:*

Paragraph 6.9 of the Central Lincolnshire Developer Contributions Supplementary Planning Document adopted June 2018 states that:

*“Residential development is considered to be a development of accommodation for use as a dwelling. A dwelling includes any unit of residential accommodation such as, detached, semi-detached, terraced, apartments, flats, and **permanent park homes** (emphasis added). Residential development includes*

- *Development under Use Class C3 (a-c).*
- *Self-contained accommodation in a block for a specific client group, such as older persons.*
- *Extra care or retirement living will be treated as C3*
- ***Park home accommodation** (emphasis added).”*

In accordance with this definition it can only be concluded that the proposed development would provide permanent residential accommodation (use class C3 of the UCO) in the form of park homes on this allocated housing site.

#### *Housing Supply:*

As determined above the park homes would be considered as permanent residential units and would not conflict with the allocated status in local policy LP52 of the CLLP. Therefore the distinct residential use proposed would count towards the housing supply of Central Lincolnshire and would meet the policy requirement of local policy LP52.

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<sup>7</sup> <https://www.legislation.gov.uk/ukpga/1968/52/section/13>

Page 13 of the Central Lincolnshire Five Year Land Supply Report 1 April 2021 to 31 March 2026 (CLFYLSR) published November 2020 states that *“Central Lincolnshire Authorities have sufficient land to more than meet the five year requirement of 9,123 dwellings and can demonstrate 5.44 years of deliverable supply.”*

Appendix C, table C2 (pg18) of the CLFYLSR for sites with detailed permission for major development lists allocated site CL1144 as having 26 dwellings completed on site with 73 dwellings outstanding. The site does not currently contribute to the 5 year housing land supply because development has stalled and could not be shown as to be deliverable within the next five years. This application would enable the site to be brought back into a deliverable housing site and into the housing land supply.

Paragraph 35 (Reference ID: 68-035-20190722) of the Housing Supply and Delivery section of the NPPG gives further supporting guidance on counting housing for older people in the housing supply. Paragraph 35 advises:

*“Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market.”*

*Over 55’s restriction:*

The most recent Strategic Housing Market Assessment (SHMA), by Turley Economics dated July 2015 provides an insight into the population of Central Lincolnshire. Paragraph 4.73 (page 56) states that *“Lincoln is characterised by a notably younger demographic, with North Kesteven and West Lindsey sharing similar characteristics given that **around half of residents are over 45. There are also a sizeable number of residents aged 65 and over in both districts** (emphasis added). The older population has increased in these districts, with the proportion of family-age residents generally falling across the area”*

Paragraphs 8.7 to 8.24 (page 147-153) provides guidance on the need for housing for older persons. Paragraph 8.7 (page 147) of the SHMA makes it clear the need for housing which can allow the older generation to live independently on their own or as a couple. Paragraph 8.7 states *“Older persons require suitable housing which can enable them to live independently at home for as long as possible”*.

The West Lindsey Housing Strategy 2018-2022 (WLHS) provides some key facts on page 10 stating that *“Central Lincs has seen considerable growth in older persons between 2001 and 2011. In West Lindsey, the over 65 age group has seen a 28.5% increase. Further growth is expected in this age group before the life of the CLLP”*. The expected increase in the older population is represented in one of the six strategic objectives (page 8) of the WLHS to *“deliver housing to meet diversity of need including Older Persons”*.

Local policy LP10 of the CLLP states that *“This means new residential development should maintain, provide or contribute to a mix of housing*

*tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities. More specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples' changing circumstances over their lifetime".*

In the justification of LP10 paragraph 4.43 states that *"It is recognised in the SHMA that Central Lincolnshire has an ageing population which will lead to specific accommodation needs"* and paragraph 4.45 states that *"providing a wider range of accommodation options to meet older persons' needs has the potential to free up housing such as family homes."*

Paragraph 10 (Reference ID: 63-010-20190626) of the Housing for older and disabled people section of the NPPG sets out the different types of specialist housing for older people. This includes:

- ***"Age-restricted general market housing:*** *This type of housing is generally for people aged 55 and over and the active elderly. It may include some shared amenities such as communal gardens, but does not include support or care services."*

It is therefore clear that there is a genuine need for suitable permanent residential housing for older persons in Central Lincolnshire (West Lindsey and North Kesteven in particular) which would accord to local policy LP10 of the CLLP.

Concerns have been received in relation to the enforcement of the over 55's age restriction. The occupancy restriction would be an obligation through an agreed Section 106 Legal Agreement. The comprehensive content of the Section 106 is essential not only in terms of the occupancy but additionally in terms of the need for an education contribution (see later in report).

The proposed development would only provide two bedroom park homes of different style and sizes therefore would not provide a mix of residential units in terms of providing two storey residential units or units of 1, 2, 3, 4 or 5 bedrooms.

However the restriction of the site to permanent residential over 55's accommodation would accord to local policy LP10 and LP52 therefore it is suitable for the demand it is seeking to meet.

The Bardney Parish Council have objected to the development not complying with local policy LP10 due to the distance to the town centre. Local policy LP10 states that ***"where possible, higher accessible homes should (emphasis added) be located close to an existing or proposed centre (as defined as LP6) and public transport connections"***. This site is an allocated housing site acceptable for all ages and the sustainability credentials of the site has previously been tested and found to be 'sound' at examination. It is understood that the users of the site will be mixed in terms of owners of a vehicle and need for public transport or in terms of personal mobility.

However the policy does state 'where possible', and not 'shall/must' be located close to existing or proposed centre (as defined as LP6) and public transport connections.

#### *Concluding Statement*

The principle of residential development on the site has been established by its allocation status (CL1144) in the CLLP. The proposed structures meet the definition of a caravan and the submitted plans would not exceed the dimensional restrictions. The proposed park homes are considered as permanent residential units in accordance with the CLLP and the 65 units would count towards the housing supply in Central Lincolnshire.

The number of units proposed would be 4 units below the 73 units stated in CL1144 but it is reminded that the 73 figure is only indicative and the 65 units proposed would only be a minimal reduction.

Stalled development of the site means that it is not currently making a contribution towards the five year housing land supply. The proposed development would enable the site's further delivery and contribute towards the housing land supply.

West Lindsey and Central Lincolnshire has an evidenced identified need for suitable permanent residential accommodation for older persons whether for independent or supported living.

The principle of the development can therefore be supported and accords with local policies LP1, LP2, LP10 and LP52 of the CLLP, local policies S1, S2, S4, S22 and S79 of the DCLLPR and the provisions of the NPPF subject to a legal agreement strictly restricting the occupancy of the residential units.

It is considered that policies LP1, LP2, LP10 and LP52 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached full weight.

It is considered that policies S1, S2, S4, S22 and S79 are consistent with the sustainability and housing growth guidance of the NPPF and can be attached limited weight.

#### Minerals Resource

Guidance contained within paragraph 203-211 of the NPPF sets out the needs to safeguard mineral resources through local plan policies '*to support sustainable economic growth and our quality of life*'.

Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) states that:

*'Applications for non-minerals development in a minerals safeguarding area must be accompanied by a Minerals Assessment. Planning permission will be granted for development within a Minerals Safeguarding Area provided that it would not sterilise mineral resources within the Mineral Safeguarding Areas or*

prevent future minerals extraction on neighbouring land. Where this is not the case, planning permission will be granted when:

- *the applicant can demonstrate to the Mineral Planning Authority that prior extraction of the mineral would be impracticable, and that the development could not reasonably be sited elsewhere; or*
- *the incompatible development is of a temporary nature and can be completed and the site restored to a condition that does not inhibit extraction within the timescale that the mineral is likely to be needed; or*
- *there is an overriding need for the development to meet local economic needs, and the development could not reasonably be sited elsewhere; or*
- *the development is of a minor nature which would have a negligible impact with respect to sterilising the mineral resource; or*
- **the development is, or forms part of, an allocation in the Development Plan.** (emphasis added)

The site is within a Sand and Gravels Minerals Safeguarding Area. The nature of the proposed development will sterilise the minerals resource. However the last bullet point in the above criteria makes it clear that planning permission on allocated sites will be granted permission even if the minerals resource is sterilised or prevents future extraction of neighbouring land.

Although the proposal will sterilise a mineral resource in West Lindsey its housing allocation status makes the minerals sterilisation acceptable and the development accords with policy M11 of Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) and the provisions of the NPPF.

It is considered that policy M11 is consistent with the minerals guidance (chapter 17) of the NPPF and can be attached full weight.

#### Viability Assessment

Paragraph 58 of the NPPF states that *“Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”*

The viability section<sup>8</sup> of the NPPG provides guidance to applicants and local planning authority’s including:

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<sup>8</sup> <https://www.gov.uk/guidance/viability>

Paragraph 7 (Reference ID: 10-007-20190509) sets out that *“It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage”*.

Paragraph 8 (Reference ID: 10-008-20190509) states that *“Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then”*.

Paragraph 10 (Reference ID: 10-010-20180724) states *“viability assessment is a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it”*.

Paragraph 12 (Reference ID: 10-012-20180724) makes it clear that *“assessment of costs should be based on evidence which is reflective of local market conditions”*.

Paragraph 13 to 18 defines gross development value (GDV), benchmark land value (BLV), existing use value (EUV) and alternative use value (AUV).

The application has included a Viability Assessment by Ashby House Land and Development Ltd. The most up to date assessment is dated 4th June 2021.

Page 13 of the VA concludes that *“The planning viability assessment provides a residual land value of negative £848,026 and therefore a significant **deficit** of £2,350,856 against the benchmark land value. As such the scheme should be deemed **unviable** and is unable to deliver the S106 obligations in their proposed form and the scheme is not able to support this requested level of off-site affordable housing contribution”*.

In response to the submitted VA the local planning authority commissioned a review of the VA to provide a professional independent view on the content and conclusion of the VA.

In summary paragraphs 7.20 to 7.27 of the FVA made the following key conclusions and recommendations:

- *When comparing the residual land value of the proposed scheme against the benchmark land value derived from the extant permission, we conclude that the scheme cannot viably support any affordable housing or indeed healthcare provisions, there is a viability deficit or c. -£2.5m against the benchmark land value.*
- *However, based on our review of the Applicant’s viability assessment and the analysis of the proposed development, we conclude that the scheme could viably support a portion of the Council’s policy requirement if the scheme was assessed based on the price paid for the land. The surplus we have identified based on this methodology is £540,000, as per Table 7-5. This could therefore support some affordable housing.*

- *NPPG guidance sets out a perverse result as the developer can take advantage of the high residual value of the extant permission for 69 dwellings with only 6 being affordable houses.*
- *The council could rely on the NPPF minimum of 10% affordable housing but the applicant is claiming to offer an affordable route as supported by paragraph 14 of appeal decision APP/C3810/C/19/3222033 (Land at Wisteria Heights Caravan Park).*
- *As such, should the Council decide to approve this application we would also recommend the implementation of a viability review mechanism within a Section 106 agreement. This will allow the Council to benefit from any favourable uplifts in viability. Within any viability clause, we would emphasise the importance of transparency. In this case, we would recommend a schedule of invoice trails be kept and a clear record of costs and values be retained so that there is evidence to draw upon at the review stage.*

Therefore the recommendation of the independent consultant is that the applicant has demonstrated that the development would be unviable with affordable housing and NHS policy contributions in line with the guidance of the NPPG when comparing the residual land value of the proposed scheme against the benchmark land value derived from the extant permission.

The FVA goes on to state that if viability was assessed against the actual price paid for the land then a surplus of £540,000 could support an affordable housing contribution.

#### Affordable Housing

Local policy LP11 of the CLLP states that ‘*affordable housing will be sought on all qualifying housing development sites of 11 dwellings or more*’. Criteria b (i) equates that to 25% (Lincoln Strategy Area (Excluding SUE’s)) of the dwellings on site being affordable housing.

Local policy LP11 of the CLLP states that “*The Central Lincolnshire authorities will seek the level of affordable housing on the basis of the above targets, but will negotiate with developers if an accurate viability assessment demonstrates these cannot be met in full.*”

Paragraph 65 of the NPPF states “*where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership*”.

The Authorities Senior Housing Strategy and Enabling Officer has confirmed that affordable housing based on 65 units at 25% would, as an off-site contribution equate to £1,493,245.

The agent has referenced an appeal decision (APP/C3810/C/19/3222033 Land at Wisteria Heights Caravan Park, Shripney Lane, Bersted, West Sussex) from outside West Lindsey where the Inspector on paragraph 14 concluded that:

*“Nonetheless, in my view, and based on the specific evidence before me, in this instance I consider that the mobile homes can be considered to offer an affordable route to home ownership (emphasis added). Moreover, they accord with the aims of the NPPF5 to address the needs of groups with specific housing requirements, particularly the elderly and those requiring single storey accommodation. A financial contribution towards off site affordable housing provision is therefore not justified in this instance.”*

Whilst the position provided within the appeal decision for Wisteria Heights Caravan Park (APP/C3810/C/19/3222033), is not one that the LPA agrees with, it is recognised that, in the inspector’s opinion, park homes provide an affordable route to home ownership and therefore must be considered as part of the determination of this application.

The FVA and its recommendations have been shared with the agent and it was put to them to provide clear confirmation on their position in terms of providing full, some or no off site affordable housing provision. In email dated 13th August 2021 the agent stated that *“They (the applicant) accept the need to make a partial contribution to either the NHS or Affordable Housing (or a mixture of both) although the scale of this contribution will need to be subject to further discussion.*

In email dated 17th August 2021 the agent made an offer by email to contribute £101,890 towards affordable housing. Whilst this is a significant reduction in the affordable housing contribution (£1,493,245) requested it has to be considered against the recommendations of the independent professional company who examined the submitted viability assessment. The offer in this case is therefore considered acceptable.

The agent has submitted heads of terms to ensure the off-site affordable homes contribution is legally obliged through a signed and certified S106 agreement created by the Authorities legal team. The S106 would not include a viability review mechanism for affordable housing as a contribution offer from the applicant has been considered acceptable.

It has therefore been accepted through a robust viability assessment that the development has been proven to be unviable with the policy required off-site affordable housing contribution. It is subsequently been accepted that the applicant would pay £101,890 towards affordable housing which equates to 1 unit of affordable housing.

The development after a robust viability procedure is in accordance with local policy LP11 of the CLLP and local policy S21 of the DCLLPR.

It is considered that policy LP11 is not wholly consistent with the contributions for affordable housing on major developments guidance of the NPPF and can be attached some weight.

### Developer Contributions

Concerns have been received from residents and the Parish Council in relation to the impact of the development on the local medical and school facilities.

Local policy LP9 of the CLLP states that *'The Central Lincolnshire authorities will expect development proposals to promote, support and enhance physical and mental health and wellbeing, and thus contribute to reducing health inequalities. This will be achieved by:*

- a) *Seeking, in line with guidance at policy LP12, developer contributions towards new or enhanced health facilities from developers where development results in a shortfall or worsening of provision, as informed by the outcome of consultation with health care commissioners'*

Local policy LP12 of the CLLP states that *'developers will be expected to contribute towards the delivery of relevant infrastructure. They will either make direct provision or will contribute towards the provision of local and strategic infrastructure required by the development either alone or cumulatively with other developments'*.

#### *National Health Service:*

The Lincolnshire Clinical Commissioning Group has requested a financial contribution of £41,112.50 (£632.50 x 65 dwellings) towards a loft expansion and subsequent alterations to the ground floor at a new surgery at Woodhall Spa. This will enable moving the administration room and storage to the converted loft and allowing for increased surgical capacity on the ground floor and potentially a training room. This would be required to be secured through a S106 Legal Agreement. Given the type of development proposed it would be more appropriate to set the trigger point as 50 percent of the plots occupied by a park home.

As previously stated in the affordable housing section the applicant has accepted in writing to *"make a partial contribution to either the NHS or Affordable Housing (or a mixture of both)"* following a negotiation process.

In email dated 17th August 2021 the agent made an offer by email to meet the full NHS contribution of £41,112.50.

The agent has submitted heads of terms to ensure the NHS contribution is legally obliged through a signed and certified S106 agreement created by the Authorities legal team.

#### *LCC Education:*

The Strategic Development Officer (SDO) at Lincolnshire County Council has not requested a contribution towards education on account that the development is restricted to over 55's occupancy, and therefore not expected to generate many school-age children. As the occupancy would be restricted by a S106 Legal Agreement the development would not be liable to an education contribution.

The development is therefore in accordance with local policy LP12 of the CLLP, S44 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP12 is consistent with the guidance on contributions for education and health care on major developments of the NPPF and can be attached full weight.

It is considered that policy S44 is consistent with the guidance on contributions for education and health care on major developments of the NPPF and can be attached limited weight.

*Open Space:*

Local policy LP24 of the CLLP states that *'The Central Lincolnshire Authorities will seek to:*

- *reduce public open space, sports and recreational facilities deficiency;*
- *ensure development provides an appropriate amount of new open space, sports and recreation facilities; and*
- *improve the quality of, and access to, existing open spaces, sports and recreation facilities.*

*'Residential development will be required to provide new or enhanced provision of public open space, sports and recreation facilities in accordance with the standards set out in Appendix C and in compliance with the latest Central Lincolnshire Developer Contributions Supplementary Planning Document (or similar subsequent document)'. It additionally states that the first option is for it to 'be provided on-site in a suitable location'.*

Appendix C of the CLLP provides the standards required for category 4 settlements in the hierarchy of local policy LP2. It declares that the local usable greenspace should be at a level of 1.5 hectares per 1000 population. It is preferred that the greenspace is provided on site but if not feasible then an offsite contribution to improve existing facilities will be considered.

Appendix C additionally sets out accessibility and quality standards to open space play provision within the area. These standards are:

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local (LAP) - 400m or 5 minute walk	Good and above as defined by Green Flag standards or any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play (LEAP) - 400m or 5 minute walk  Neighbourhood Equipped Area of Play (NEAP) -	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.

	1200m or 15 minute walk	
Playing Field provision	Local provision - 1200m or 15 minute walk  Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

According to The Fields in Trust website <sup>9</sup>(FIT) (previously the National Playing Fields Association (NPFA)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

*LAP (Local Area for Play)*

*The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.*

*LEAP (Local Equipped Area for Play)*

*The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.*

*NEAP (Neighbourhood Equipped Area for Play)*

*The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.*

According to The Fields in Trust website <sup>10</sup>(FIT) (previously the National Playing Fields Association (NPFA)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

*LAP (Local Area for Play)*

*The LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live.*

*LEAP (Local Equipped Area for Play)*

*The LEAP is an area of open space specifically designated and laid out with features including equipment for children who are beginning to go out and play independently close to where they live.*

*NEAP (Neighbourhood Equipped Area for Play)*

<sup>9</sup> <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

<sup>10</sup> <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

*The NEAP is an area of open space specifically designated, laid out and equipped mainly for older children but with the play opportunities for younger children as well.*

Bardney only has one recreation ground which includes a bowling green, tennis courts, Skate Park, football pitch, cricket square and open grass area. There is also a well-equipped and enclosed playground for toddlers and older children. This includes benches and litter bins. The recreational park would approximately be between a 970 metre (site access) and 1200 metre walk (east of site) from the site. There is no LAP or LEAP within 400 metres but a NEAP is within 1200 metres. The development is for over 55's who would not have a need for a LAP or LEAP but could make use of the facilities on the NEAP between 970 and 1200 metres away.

Site layout plan 1386/1/2 Revision G dated 2nd February 2021 identifies an area of centrally located public open space which will provide an onsite area of quiet communal open space play for the residents to enjoy. The area of open space identified measures 1009m<sup>2</sup>. In total the site is 24,000m<sup>2</sup> (2.4 hectares) in size which equates to 4.8% (1009m<sup>2</sup> of the site set aside for public open space).

Paragraph 10.8 of the Central Lincolnshire Developer Contributions Supplementary Planning Document (DCSPD) adopted June 2018 provides a table to enable an assumption of housing developments population creation.

The proposed development will comprise 65 two bedroom park homes. The Supplementary Planning Document on page 37 lists the mean number of people occupying a two bedroom dwelling as 1.7 people. This figure is used to calculate the potential maximum amount of people who would occupy the site. Therefore:

65 park homes x 1.7 people = 110.5 people (111)

To derive at the amount of public open space the development should deliver it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver (preferably on site). The following calculation is used to arrive at the area of open space required by local policy LP24:

111 (people)/1000 (population) x 1.5 hectares = 0.1665 hectares or 1665 square metres

The development would therefore be required in policy to provide 1665 square metres of open space.

The development would therefore be 656m<sup>2</sup> deficient when compared to the required amount by local policy LP24 of the CLLP. The recreational ground (NEAP) is accessible via lit pedestrian footpaths and within an acceptable distance for all able bodied occupiers of the site. The presence of a Public Rights of Way adjacent the south boundary would provide a further close

useful mode of outdoor exercise to the occupiers and provide public access to walks within the open countryside. However the presence of the Public Rights of Way is a bonus to the potential future occupiers and is not on its own justification to reduce or remove the need for open space provision on the site.

Given the proposed occupancy restriction it is absolutely imperative in policy terms that an appropriate area of landscaped open space is provided on the site for the less able bodied so that they have an area to walk to and sit away from their place of residence. The proposed open space would be included in the Section 106 Agreement to ensure its installation including an ongoing maintenance plan to keep it maintained to an acceptable standard for the use of the residents.

In overall terms, therefore, the proposed centrally located open space together with the existing NEAP and to a lesser extent the existing adjacent Public Rights of Way would accord with policies LP9 and LP24 of the CLLP, local policies S44 and S50 of the DCLLPR, the SPG on Contributions and the provisions of the NPPF.

It is considered that policy LP9 and LP24 are consistent with the open space and well-being guidance of the NPPF and can be attached full weight.

It is considered that policy S44 and S50 are consistent with the open space and well-being guidance of the NPPF and can be attached limited weight.

*Community Infrastructure Levy:*

West Lindsey District Council adopted a Community Infrastructure Levy (CIL) which will be charged from 22<sup>nd</sup> January 2018. The CIL regulations only apply to buildings however the CIL regulations do not define a building.

We have sought legal opinion from Counsel which advised to apply the three tests in *from Skerritts<sup>11</sup> of Nottingham Ltd v Secretary of State for the Environment, Transport and the Regions (No 2) [2000] JPL 1025 i.e. size, permanence and attachment.*

Therefore as the structures proposed meet the statutory definition of a caravan (see principle section of report) the development would be unlikely to meet the three tests and would not be liable to a CIL payment.

*M4(2):*

Local policy LP10 of the CLLP states that “*proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations, **unless the characteristics of the site provide exceptional reasons for delivery of such dwellings to be inappropriate or impractical** (emphasis added)”.*

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<sup>11</sup> <https://www.casemine.com/judgement/uk/5a8ff70f60d03e7f57ea6f5a>

As advised in the Counsel advice the requirement of 30% of the units meeting M4(2) of the Building Regulations requires a common sense approach. A park home site is not subject to building control regulations in the same manner as a sit which comprises standard bricks and mortar dwellings.

In a letter dated 25th November 2020 the agent states that *“as stated in the Park Homes Description Report”, the accommodation proposed for this development also provides higher levels of standards of access and internal circulation set out in building regulations M4(2). As caravans, the units will not be subject to Building Control, but they will deliver the required standards for access and circulation. These dwellings will, therefore, cater to the specific needs of less mobile occupants and the elderly”.*

Whilst it is welcomed that the agent has confirmed that the park homes would meet the required standards it is considered that the characteristics of the development constitute an exceptional reason. The development falls outside the scope of building regulations and would therefore not be liable to provide units to M4(2) of the Building Regulations.

It is considered that policy LP10 is consistent with the accessibility guidance of the NPPF and can be attached full weight.

It is considered that policy S22 is consistent with the accessibility guidance of the NPPF and can be attached limited weight.

#### Health Impact Assessment

Local policy LP9 states that planning has a vital role *‘in creating and supporting strong, vibrant and healthy communities, in terms of physical and mental health, is well recognised and is a key element in delivering **sustainable development** (Bold format added)’. Criteria (b) of LP9 states that *‘In the case of development of 25 dwellings or more, or 0.5ha or more for other development, developers submitting a fit for purpose Health Impact Assessment (HIA) as part of the application or master planning stage where applicable, and demonstrating how the conclusions of the HIA have been taken into account in the design of the scheme. The HIA should be commensurate with the size of the development’.**

The agent submitted a Health Impact Assessment (HIA) received 20<sup>th</sup> October 2020. This has satisfactorily answered all the themes set out in the HIA checklist and is commensurate to the size of the proposal. This together with the contribution to expand the medical facilities within the Woodhall Spa surgery is deemed to accord with local policy LP9 of the CLLP and S53 of the DCLLPR.

It is considered that policy LP9 is consistent with the health guidance of the NPPF and can be attached full weight.

It is considered that policy S53 is consistent with the health guidance of the NPPF and can be attached limited weight.

### Visual Impact

An objection has been received in relation to the impact of the development on the character of the area.

Local policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements'*.

Developments should also *'be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas'*

Local policy LP26(c) states *'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 Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

The development proposes to provide 65 two bedroom residential park home dwellings measuring (approximate taken from submitted plans):

Style	Measurements (Metres)			
	Ridge Height	Eaves Height	Width	Length
Avanti	3.7	2.5	6.4	12.3
Florence	3.7	2.5	6.7	15
Majestic	3.3	2.3	6	13.6

The submitted elevation plans identify the options proposed for two bedroom park homes on the site that would be available to the future residents. The appearance of the three options is acceptable with elements of design interest to stop the site from comprising uniform standard rectangular park homes. The Florence and Majestic would provide this with the Majestic having a more contemporary modern style appearance.

The surrounding area (Wragby Road, Saxon Way and Field Lane comprises a mix of dwelling scales, appearances, ages, positions within the plot and garden sizes. The park homes are all single storey therefore relate to the bungalows which dominate to the east of Wragby Road and west of the site.

The site was viewed from a number of public viewpoints including the public rights of way to the east and south east. Apart from the entrance the proposed park homes would be well screened from public highways by the existing built form of the settlement. Site layout plan 1386/1/2 Revision G dated 2nd February 2021 demonstrates the retention of existing boundary trees and hedging alongside additional low level hedging (under canopies) to the north east, south east and north west boundaries. This would soften and severely restrict any views of the site from Wragby Road to the north west as you travel into Bardney and from the public rights of way.

The proposed site is more than large enough to comfortably accommodate the proposed 65 units whilst providing sufficient off street parking. Each unit would have a modest private garden space identified by hedging to allow space for sitting out in and hanging washing. The garden spaces are modest but this is normal for residential park homes for the over 55's who do not necessarily want a garden to maintain and any residents occupying the site would do so knowing the size of the plot and the modest garden sizes. A communal area of open space is provided centrally on the site.

It is acknowledged that the appearance of the park homes are different in terms of the material construction to the brick built tiled roof dwellings surrounding the site. However this is an allocated housing site where park homes can be considered as acceptable in terms of a type of housing that counts towards the Central Lincolnshire housing supply.

The site is not within an areas designated for its special landscape or scenic quality such as an Area of Outstanding Natural Beauty or an Area of Great Landscape Value.

It is therefore considered that the proposed development would not have a significant harmful visual impact on the site, the street scene or the surrounding area. Therefore subject to a comprehensive landscaping plan the proposal would accord to local policy LP17 and LP26 of the CLLP, local policy S52 of the DCLLPR and the provisions of the NPPF and the National Design Guide.

It is considered that policies LP17 and LP26 are consistent with the visual amenity guidance of the NPPF and can be attached full weight.

It is considered that policy S52 is consistent with the visual amenity guidance of the NPPF and can be attached limited weight.

#### Residential Amenity

Objections have been received from residents in relation to impact on their living conditions.

The application site shares its entire west boundary with neighbouring dwellings (primarily bungalows) off Wragby Road and Saxon Way. These are:

- 94, 94a, 96, 98, 100, 102, 104 and 106 Wragby Road
- 3 Saxon Way

A modest section of the sites north west boundary shares a boundary with 106 and 110 Wragby Road.

The south east boundary shares a boundary with 1 and 3 Saxon Way and is opposite the following dwellings which sit on the other side of Field Lane:

- 8 Saxon Way
- Basildene
- Aston House
- Lilac Cottage
- Fieldhouse Farm

Field Lane Bungalow and Field View are accessed off Field Lane but are set much further back than the dwellings listed above.

The proposed park homes are modest single storey structures which due to the density of the site would be positioned close to the shared boundaries with neighbouring dwellings. Some of the park homes and would be positioned with their gable end facing the shared boundary, some at an angle and some with the longer rear elevation facing the shared boundary.

The closest park homes would be between 2.6 and 11.8 metres from the shared boundaries (All approximate measurements taken from site layout plan 1386/1/2 Revision G dated 2nd February 2021 with a number of the park home roofs falling away from the shared boundary. The dwellings on the other side of Field Lane are at least 8 metres from the nearest park home. The installation of additional soft landscaping would further increase the screening of the shared boundary.

A comment has been submitted in relation the impact of noise and light pollution from the development. The application site is allocated for housing therefore domestic noise from residential use is expected from garden use and vehicles coming and going. Some of the parking spaces and site roads face towards the shared boundaries but any impact from vehicle headlights would be extremely modest. Again the installation of additional soft landscaping would further reduce this extremely modest impact.

A comment has been submitted in relation to the view over the site. Again this is a allocated site for housing where under the extant permission two storey dwellings could be constructed which would be more visually obvious than low level park homes. In any case the right to a view is not a material planning consideration.

The delivery and removal of park homes would cause a temporary disturbance to the existing residents but this would be for a very short period and would be expected to be made during social daylight hours.

Each unit would have a modest private garden space identified by hedging to allow space for sitting out without being overlooked by the neighbouring units.

Therefore the development would not have a significant harmful impact on the living conditions of neighbouring or future residents and accords to local policy LP26 of the Central Lincolnshire Local Plan 2012-2036, local policy S52 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP26 is consistent with the Residential Amenity guidance of the NPPF and can be attached full weight.

It is considered that policy S52 is consistent with the Residential Amenity guidance of the NPPF and can be attached limited weight

### Highway Safety

Paragraph 111 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.”*

There have been objections received in relation to highway safety from residents and the Parish Council. As shown on the plans below the site would be accessed via the same road which gained planning permission in extant planning permission 126772.



The site photo demonstrates that the road given permission in 126772 currently terminates adjacent the rear boundary of 3 Saxon Way. No objections have been received from the Highways Authority at Lincolnshire County Council in terms of the vehicular access and the parking arrangements on the site which provides two spaces per unit.

The Highways Authority have requested confirmation on the status of the turning head which is to be constructed to an adoptable standard. The agent has emailed confirming that the turning head would remain private and be maintained by the land owner.

Objections have been received in relation to increased traffic. This site has extant permission for a further 79 dwellings which would increase traffic generation more than this 65 unit development.

The permission would include a construction management plan for the initial construction phase of building the roads, paths and pitches to ensure construction/employee traffic is managed within the site for parking, loading and unloading. This would minimise any temporary nuisance or disturbance from construction.

Objections have been received in relation to accessibility to all and the poor public transport service in Bardney. This site as already described is an allocated housing site within the Central Lincolnshire Local Plan therefore the sustainability credentials of the location has already been examined and has been considered suitable for residential development.

Therefore the development would not have a severe impact on highway safety and accords to local policy LP13 of the Central Lincolnshire Local Plan 2012-2036, local policy S46 and S48 of the DCLLPR and the provisions of the National Planning Policy Framework, particularly paragraph 111.

It is considered that policy LP13 is consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

It is considered that policies S46 and S48 are consistent with the Highway Safety guidance of the NPPF and can be attached limited weight.

#### Drainage

The application has included a Drainage Strategy Report (DSR) by Bratherton Park Design Consultants (1386/1) dated August 2020.

#### *Foul Water:*

The application form and DSR states that foul water is to be disposed of to the existing mains sewer which is the preferred option and is considered acceptable. No details on connectivity have been submitted and would need to be addressed by a condition on the permission.

#### *Surface Water:*

Paragraph 80 (Reference ID: 7-080-20150323) of the Flood risk and coastal change section of the NPPG states that *“Generally, the aim should be to discharge surface run off as high up the following hierarchy of drainage options as reasonably practicable:*

- 1. into the ground (infiltration);*
- 2. to a surface water body;*
- 3. to a surface water sewer, highway drain, or another drainage system;*
- 4. to a combined sewer.”*

Paragraph 169 of the NPPF states that *“major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*

- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) *where possible, provide multifunctional benefits.*

The application form states that a sustainable urban drainage system would dispose of surface water drainage. The DSR in paragraph 2.9 states that percolation tests would be performed to assess the permeable qualities of the site but it is not anticipated to demonstrate significant permeable conditions.

Paragraph 2.10 of the DSR considers the preferred method of collecting rain water from the roofs is *“to provide gravel filled filter drains alongside the home bases to collect rainwater pipe discharges. This filter drain is provided with a perforated pipe system which encourages surface water to enter the ground if possible before flowing down the gravity pipework. This does result in varying but valuable attenuation even if it is a slowing up of the time of concentration into the sewer network”*. Paragraph 2.12 of the DSR indicates the same for the access roads and footpaths.

Paragraph 2.11 of the DSR states that the parking bays will be constructed from permeable surfacing to encourage ground infiltration. The development would therefore dispose of surface water partly through a sustainable drainage system and partly to the existing mains sewer. A final surface water drainage system has not been justified or submitted. The Lead Local Flood Authority have not objected to the development on surface water grounds subject to a condition requiring a scheme which employed sustainable drainage principles.

Therefore it is considered that foul and surface water is capable of being addressed by condition. Subject to the condition the development accords to local policy LP14 of the CLLP, S20 of the DCLLPR and the provision of the NPPF.

It is considered that policy LP14 is consistent with the drainage guidance of the NPPF and can be attached full weight.

It is considered that policy S20 is consistent with the drainage guidance of the NPPF and can be attached limited weight.

#### Archaeology

No objections have been received from the Historic Environment Officer at Lincolnshire County Council. Therefore the development would not have a harmful archaeological impact and accords to local policy LP25 of the Central Lincolnshire Local Plan 2012-2036, S56 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP25 is consistent with the Heritage guidance of the NPPF and can be attached full weight.

It is considered that policy S56 is consistent with the Heritage guidance of the NPPF and can be attached limited weight.

## Biodiversity

Guidance contained within paragraph 180 of the NPPF states that ‘*When determining planning applications, local planning authorities should apply the following principles*’. The applicable ones to the development are:

a) *‘if significant harm to biodiversity 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;*

c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*

d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity’.*

Local Policy LP21 of the CLLP states that ‘*All development should:*

- *protect, manage and enhance the network of habitats, species and sites of international ,national and local importance (statutory and non-statutory), including sites that meet the criteria for selection as a Local Site;*
- *minimise impacts on biodiversity and geodiversity; and*
- *seek to deliver a net gain in biodiversity and geodiversity.*

### *Trees:*

An Arboricultural Report (Revision 1) dated 17th September 2020 by ENGIE Arboricultural Consultancy has been submitted with the application. This report identified 8 trees of which:

- 6 are category C (low quality and value) – Tree 1 and 5
- 2 are category (moderate quality and value) – Tree 2, 3, 4, 6, 7 and 8

The Arboricultural Report concludes in paragraph 11.3 that “*it is considered that any future tree/hedge loss resulting from development will have limited impact on the landscape character of the area. I am confident that a well thought out Landscape Scheme will mitigate any adverse impact of removal, giving opportunity to enhance the site and its locality.*”

The Authority’s Tree and Landscape Officer (TLO) has recommended that further details are required in terms of the type of cellweb (cellular confinement system) used to protect tree 1 and tree 5. This detail can be conditioned on the permission along with planting details for all proposed trees and hedging.

The TLO has concerns over the closeness of units to existing and proposed trees. This could impact on the future residents in terms of falling branches/trees, leaf/twig litter blocking drainage pipes, trees scraping the unit and the blocking of views/light from windows. This could lead to the tree cover being gradually reduced and reducing their screening value.

Again the site does have extant permission for a denser site of 79 dwellings of two storey in nature which would be far more openly visible than the proposed single storey park homes. None of the existing trees on the site are protected by a tree preservation order.

The concerns of the TLO is acknowledged and the concern that some units may to compromise the screening value of the existing/proposed trees and hedging along the site boundaries. However it is not considered that the impact would be so significant to eradicate the screening all together as cumulatively a significant amount of boundary trees and hedging are proposed. The significant amount of planting would help provide a net biodiversity gain for the development.

Therefore scheme the position of the units may have some negative impacts on the existing and proposed boundary trees but the development would provide a significant net biodiversity gain in terms of the volume of planting proposed. Therefore any future negatives would be outweighed by the positive impacts and the development would accord to local policy LP21 of the CLLP and guidance contained within the NPPF. This is subject to a condition requiring a comprehensive landscaping scheme.

#### *Protected Species:*

The application has included a Preliminary Ecological Appraisal (PEA) by Deltasimons dated May 2020. Section 6.0 (page 11-12) of the PEA makes the following recommendations (summarised):

#### Further Surveys

- No further survey are required.

#### Nesting Birds

- Boundary vegetation should be retained and any loss compensated for.
- Site clearance work before early March or after late August.
- Site clearance work during early March or after late August must be done with after a habitat inspection by an experienced ecologist.

#### Bats

- Boundary vegetation should be retained.
- A detailed lighting scheme on site should be functional and directional to avoid up-lighting and light spill.
- Vegetation on site should be unlit.

#### Hedgehogs

- Care taken for clearance or management works
- Any fencing to allow access and egress for hedgehogs

### Other

- All works should follow appropriate working methods
- Any retained trees and hedgerows should be protected during the works
- Planting should aim to enhance retained or adjacent vegetation
- Installation of bat boxes on at least 10% of the new buildings. Installed on a southerly aspect in an area least disturbed by lighting and with connectivity to vegetation.

The proposal will not have a harmful impact on biodiversity and the recommendations will provide a positive biodiversity net gain therefore accords to local policy LP21 of the CLLP and guidance contained within the NPPF.

Therefore subject to conditions (including the type and position of 7 bat boxes) the development accords to local policy LP21 of the CLLP, local policies S59, S60 and S65 of the DCLLPR and the provisions of the National Planning Policy Framework.

It is considered that policy LP21 is consistent with the biodiversity guidance of the NPPF and can be attached full weight.

It is considered that policies S59, S60 and S65 are consistent with the biodiversity guidance of the NPPF and can be attached limited weight.

### **Other Consideration:**

#### Raised Ground Levels

A comment has been received from a neighbour regarding concerns over raised ground levels and the potential flooding impact. The agent has confirmed that there would no changes to the ground levels and the bunds around the site would be removed and the soil spread over the site as part of the landscaping.

#### Public Rights of Way

Site layout plan 1386/1/2 Revision G dated 2nd February 2021) demonstrates that the development would have little or no impact on the use of the Public Rights of Way. Details of retaining open access to the Public Rights of Way will be included in the construction management plan condition. The Public Rights of Way Officer has no objections to the development with advice.

#### Pre-commencement conditions

The agent has agreed in writing to the pre-commencement conditions attached to the planning permission.

### **Conclusion and reasons for decision:**

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP9 Health and Wellbeing, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP12 Infrastructure to Provide Growth, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape

and Views, LP21 Biodiversity and Geodiversity, LP24 Creation of New Open Space, Sports and Recreation Facilities, LP25 The Historic Environment, LP26 Design and Amenity and LP52 Residential Allocations – Large Villages of the adopted Central Lincolnshire Local Plan 2012-2036, policy M11 of the Lincolnshire Minerals and Waste Local Plan and local policies S1 The Spatial Strategy and Settlement Hierarchy, S2 Growth Levels and Distribution, S4 Housing Development in or Adjacent to Villages, S20 Flood Risk and Water Resources, S21 Affordable Housing, S22 Meeting Accommodation Needs, S44 Strategic Infrastructure Requirements, S46 Accessibility and Transport, S48 Parking Provision, S50 Creation of New Open Space, Sports and Leisure Facilities, S52 Design and Amenity, S53 Health and Wellbeing, S56 The Historic Environment, S59 Protecting Biodiversity and Geodiversity, S60 Biodiversity Opportunity and Delivering Measurable Net Gains, S65 Trees, Woodland and Hedgerows, S66 Best and Most Versatile Agricultural Land and S70 Housing Sites in Large Villages of the Draft Central Lincolnshire Local Plan Review in the first instance. Consideration has additionally been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance and the National Design Guide. In light of this it is considered that the principle of the proposal is acceptable and will provide 65 residential units for the over 55's on an allocated housing site and contribute towards the housing supply of Central Lincolnshire. Following the appraisal of viability the development would provide a negotiated financial contribution to offsite affordable housing and the NHS whilst providing an acceptable level of onsite open space to meet the needs of the occupants alongside existing facilities in the village. The development would not have a harmful visual impact on the site or the street scene and would not harm the living conditions of neighbouring dwellings and the future residents. It would not have a harmful impact on highway safety, drainage, biodiversity, a minerals resource, archaeology or the public right of way. This is subject to imposition of recommended 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 :** 20th September 2021

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

1. The development hereby permitted must 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 must take place until a construction method statement has been submitted and agreed in writing by the local planning authority. The approved statement(s) must be adhered to throughout the construction period. The statement must provide for:
  - (i) the routeing 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;
  - (xi) protection and unobstructed access to the public rights of way to the south of the site.

Reason: To restrict disruption to the living conditions of the neighbouring dwelling and surrounding area from noise, dust and vibration and retain access to the public rights of way to accord with the National Planning Policy Framework, local policy LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52 of the Draft Central Lincolnshire Local Plan Review.

3. No development must take place until details of the form and position of the protection measures to protect the existing boundary trees and hedging adjacent the north, east and south boundaries have been submitted to and approved in writing by the Local Planning Authority. The approved protection measures must be installed prior to commencement and retained in place until the development is completed.

Reason: To safeguard the existing boundary trees and hedging during construction works, in the interest of biodiversity and visual amenity to accord with the National Planning Policy Framework, local policy LP17,

LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

4. No development must take place until details of the type and position of the cellular confinement system required (see advisory note) to protect Tree 1 and Tree 5 identified in Arboricultural Report (Revision 1) dated 17th September 2020 by ENGIE Arboricultural Consultancy and their root protection area has been submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved system and retained as such thereafter.

Reason: To safeguard the existing boundary trees and their roots in the interest of biodiversity and visual amenity to accord with the National Planning Policy Framework, local policy LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

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

5. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:

- 1386/1/2 Rev G dated 2nd February 2021 – Site Plan
- 1386/1/3 Rev A dated 15th March 2021 – Avanti Unit Elevation and Floor Plans
- 1386/1/4 Rev A dated 15th March 2021 – Florence Unit Elevation and Floor Plans
- 1386/1/5 Rev A dated 15th March 2021 – Majestic Unit Elevation and Floor Plans

The works must 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 LP17, LP26 and LP52 of the Central Lincolnshire Local Plan 2012-2036 and S52 and S79 of the Draft Central Lincolnshire Local Plan Review.

6. No construction works above ground level must take place until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. Not using a full sustainable urban drainage system must be fully justified. No occupation must occur until the approved scheme has been carried out.

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 S20 of the Draft Central Lincolnshire Local Plan Review.

7. No occupation must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:

- Type, height and position of all retained and new boundary treatments.
- Material finish of all hardstanding (access road, driveways, patios and paths).
- Species, planting height, formation and position of new trees and hedging.
- Open space furniture.

The development must be completed in strict accordance with the approved landscaping scheme.

Reason: To ensure that appropriate landscaping is introduced and will not adversely impact on the character and appearance of the site or the surrounding area to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review.

8. No occupation must take place until details of the design, specification, position and height of all external lighting have been submitted to and approved in writing by the Local Planning Authority. The lighting scheme must adhere to the bat recommendations in section 6.0 (page 11) of the Preliminary Ecological Appraisal by Delta Simons dated May 2020. The development must be completed in strict accordance with the approved lighting scheme and retained as such thereafter.

Reason: To protect the surrounding area and the use of the boundaries by bats to accord with the National Planning Policy Framework, local policy LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52 and S59 of the Draft Central Lincolnshire Local Plan Review.

9. No occupation must take place until details including a plan of the type and position of 7 bat boxes have been submitted to and approved in writing by the Local Planning Authority. The approved bat boxes must be installed prior to occupation of the unit or plot the box is attached to and retained as such thereafter.

Reason: In the interest of nature conservation and providing biodiversity mitigation/enhancement to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-

2036 and S59 and S60 of the Draft Central Lincolnshire Local Plan Review.

10. Apart from the bat boxes in condition 9 of this permission the development hereby approved must only be carried out in accordance with the recommendations set out in section 6.0 (page 11-12) of the Preliminary Ecological Appraisal by Delta Simons dated May 2020.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and S59 and S60 of the Draft Central Lincolnshire Local Plan Review.

11. No occupation of each individual unit must take place until its individual driveway parking identified on site plan 1386/1/2 Rev G dated 2nd February 2021 has been fully completed and retained for that use thereafter.

Reason: To ensure each unit has adequate off street parking in the interests of highway safety to accord with the National Planning Policy Framework, local policy LP13 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S46 and S48 of the Draft Central Lincolnshire Local Plan Review.

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

12. All planting and turfing comprised in the approved details of landscaping (see condition 7) must be carried out in the first planting and seeding season following the completion of the development or occupation of the modular units, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the replacement of any planting/turfing in the landscaping scheme which fails to establish or die with a 5 year period to accord with the National Planning Policy Framework, local policies LP17, LP21 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and S52, S59, S60 and S65 of the Draft Central Lincolnshire Local Plan Review..

**Advisory** (will remove for committee report)

**Cellular Confinement System**

The type of cellweb or 'cellular confinement system' would need to be at least 100mm depth, and possibly 150mm depth, depending on the weight of the units to sit on top of it. The cellular confinement system must be installed on top of existing ground levels as the whole purpose of using such a system is

to avoid excavations and prevent ground compaction, both of which damage roots and their growing environment.



## **Officers Report**

### **Planning Application No: 142675**

**PROPOSAL:** Planning application for change of use of land for siting of caravans (lodges) including alterations to vehicular access & creation of vehicular crossover.

**LOCATION:** Hamilton Hill opposite Poplar Farm Tealby Road Walesby Market Rasen LN8 3UL

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr S Bunney, Cllr J McNeil and Cllr Mrs C E J McCartney

**APPLICANT NAME:** Mr Casswell

**TARGET DECISION DATE:** 16/06/2021 (EOT 08/10/2021)

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Rachel Woollass

**RECOMMENDED DECISION:** Grant permission

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This application has been referred to the Committee, following third party objections including that of the Parish Councils, and in view of the planning history.

#### **Description:**

The application site lies in between Tealby and Market Rasen on the southern side of Tealby Road (B1203) towards the eastern edge of the West Lindsey District Council area some 2.5km north east of Market Rasen. Poplar Farm comprises a four bed detached farmhouse, with a separate one bedroom living annexe, a range of traditional and modern farm buildings in all about 37.53 hectares (94.47 acres). Located to the south of the farm and shop/café the field is approximately 10.69ha in area. To the north of the site is the B1203 highway.

The application seeks permission for the change of use of land for siting of caravans (lodges) including alterations to vehicular access & creation of vehicular crossover.

The site is within an area designated as an Area of Great Landscape Value (AGLV) – policy LP17 of the Central Lincolnshire Local Plan applies.

The boundary of the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) is approximately 2.4km to the east (the village of Tealby is within the AONB).

#### **Relevant history:**

121073 – Planning application for retention of change of use of former agricultural building and extension and alterations to form tea room/extended farm shop with

kitchen store and toilet facilities and change of use of agricultural land to form extension to car park and to form rear patio. Permission granted 30/04/08

138912 – Planning application for proposed irrigation pond including site levelling using excavated material and associated agricultural building. Permission granted 07/05/19

139788 – Planning application for change of use of land for siting of caravans. Permission granted 22/11/19

140707 – Planning application for change of use of land for siting of caravans (lodges) and proposed recreation pond with 20 fishing pegs, to include site levelling using excavated material. Refused 23/07/2020  
Reason for refusal:

*1. The scale of development would be detrimental to, and adversely affect countryside setting and the setting of the Area of Great Landscape Value and Lincolnshire Wolds AONB contrary to policies LP7 and LP17 of the Central Lincolnshire Local Plan.*

141442 – Planning application for change of use of land for siting of caravans (lodges) and proposed recreation pond with 20 fishing pegs, to include site levelling using excavated material - resubmission of 140707. Permission granted 15/10/2020

### **Representations:**

**Sir Edward Leigh MP:** 07/06/2021 – Hamilton Hill is one of the most important historical sites in the constituency I have the honour to represent in Parliament. Its role as the focal gathering point for the Lincolnshire rebels of 1536 seals its place in history not just our country but of Great Britain as a whole.

I echo and support the concerns which Historic England have raised regarding this application. As it stands, there is not yet sufficient information available for West Lindsey District Council to render a proper judgement on this application.

I strongly believe that a full and thorough archaeological survey of the site should be undertaken at the nearest available opportunity – certainly before any application for further development is approved.

Given the importance of Hamilton Hill, I hope more will be done to inform the public and spread awareness of this site and its vital role in the history of the country.

At the very least, West Lindsey District Council has both a statutory and a moral obligation to prevent any harm or insensitive development and to investigate proposals thoroughly before rendering judgement.

28/06/2021 - I have now visited the site in person and have been satisfied that what is being applied for does not greatly interfere with the historic setting. There is no development on the top of the hill nor on the ascent of it and the wooden chalets I am told will be built on flat land shielded to an extent by trees and greenery.

Not being an expert myself I hope those with more knowledge than me will be able to determine what, if any, further archaeological and historical research might need to be

done at the site. Really it should be officially designated a site of historical interest by the relevant authorities so that it is well protected for future generations. We must certainly resist any creeping development up the side of the hill.

The Council should consider erecting a board at the car park giving the historical context and explaining the significance of the site and the Lincolnshire Rising, one of the most widespread rebellions in English history. There is always a great deal of public interest in the history of the countryside and local authorities should encourage this, not least as a boon to tourism.

West Lindsey District Council must now take a close interest in the site and prevent any further development after this application.

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

**Walesby Parish Council:** 07/05/2021 This application should be rejected. It links with 2 successful applications across the road for similar facilities -139788 for 15 cabins, 141442 for 27 cabins. Both those applications were limited in the number of cabins to maintain and enhance the rural character of the area, the setting of the Lincolnshire Wolds AONB and to protect wildlife and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan . Enough is enough. That reason for limiting the first two applications should justify rejecting this third application altogether. This location is not suitable for what would become one very large holiday camp. Furthermore no lodges have yet been established on the initial 2 sites which allow 42 cabins. No more developments should be allowed until the impact on the environment and the economic sustainability of those 2 sites has been seen.

17/08/2021 – Repeats the comments as above.

**Tealby Parish Council:** would like to object to the above application, with the following points;

- The plans as they are presented, appear to contradict the aims of the Lincolnshire Wolds Management Plan 2018 - 2025; the plan talks of inappropriate and insensitive development as being one of the major threats to the AONB and yet WLDC planning department appear to encourage such development in this location.
- One of the aims of this plan is to sustain and enhance '*the Lincolnshire Wolds natural beauty and its landscape character*' and '*partnerships between organisations, the local community, landowners and others with an interest in the Wolds*'. This development fails to comply with this Plan on these two counts alone.
- Furthermore, further visual intrusion to the landscape and surrounding area is unacceptable. Not only does this development continue to erode the views from and to the Lincolnshire Wolds AONB and Viking Way (being slightly more elevated than previous 'phases'), but particularly to users of the Tealby Road. Yet more lodges along the side of this gateway to the ANOB is a particular concern, as the site layout exaggerates the 'corridor' effect of the visual intrusion along the south side of the road for around 1/2 a mile.
- Regular flooding due to the design of surface water disposal system already adopted are poor and inadequate, further exacerbating an existing problem.

- Highways safety concerns due to the access being positioned on a bend, which is already naturally hazardous. In addition to the safety concerns about vehicles accessing and exiting the site onto Tealby Road (via the 'new' entrances at the west and east of the site respectively), there is an additional safety concern for the inevitable pedestrians crossing the 'blind' bend at the existing Popular Farm entrance.
- The impact of the first phase of this development has not yet been assessed, therefore the 'second phase' of this continuing development should not be considered or permitted until all criteria is reviewed and complied with.
- Track clarification – which is a new addition – what is its intended purpose.

**Local residents:** Support received from Kestrels –

Feel this development is sufficiently far from nearby villages or the town of Market Rasen to offer no threat whatsoever. In fact, it enhances land which has been used only for arable or grazing. The development supports much needed tourism in this area, it will bring in 'new money' and will support the struggling economy of Market Rasen. I fully support the application.

Objections received from Shepherds Hill, Tudor Cottage, Hilltop House, Melbreak, 8 Sandy Lane, Beavor Lodge, Peacefields, Hambleton Hill, 41 Addington Gardens – Reading, The old Joiner's Workshop, Woodley, 32 Rasen Road, Waterside Cottage, Rase Thatch, 4 The Row and 48 Rasen Road with the main concerns –

- Objected to the previous application warning he was drip feeding applications when he was actually planning a large total development. This is the next step in the campaign.
- More traffic emerging on this road will be still more dangerous
- Applicant states that it will support a lot of employment at his farm shop and café. This is now on the market for long term let so it will not be part of the same business.
- is on the important historical site connected to the Lincolnshire Uprising in 1536.
- Totally against any larger development.
- A development of 50 lodges will big 50 extra cars with their pollution and noise, hundreds of extra visitors rambling around our woods and villages. At night, considerable night pollution.
- The development would be ugly and claustrophobic. All sense of space would be lost.
- Would be visible from within the AONB.
- Adverse impact on the landscape will be very significant due to the scale of the proposal and the elevated site along the roadside.
- Highway safety concerns including pedestrians crossing to the shop and the facilities on the other side of the road.
- Questions arise concerning the "style" and appearance which on evidence to date with the removal of hedges, erection of fences and a plethora of signs give rise to questions about the management's sensitivity to the local area.
- This is THE prominent feature in the landscape and any form of structure will spoil the appearance of the area (designated AONB?). If the proposal was on the lower flat ground and trees and hedges were used to screen the lodges, it would be unobtrusive and acceptable.

- Notice that surrounding trees and hedges are well marked. There is a very mature hedge along the side of the road, it would be a pity to remove it. It is used as a wildlife corridor and the proposed land is regularly quartered by barn owls and used by various birds and mammals, stoats etc.
- Proposal would detract from the view.
- Putting lodges along the road would very much change the character.
- Would be better to develop behind the yard and house (Poplar Farm). Thereby obscuring some of the development and giving immediate access to the facilities they offer.
- If the application is passed, can foresee that that at a future date the applicants or following owners will want to develop this field further, which would change the of the road to Tealby and this area on the edge of Market Rasen.
- Proposed trees will take 10 to 20 years to screen the areas. Other similar holiday areas are placed amongst mature trees.
- Flooding concerns.
- A number of phase 1 caravans were surrounded by water for a number of weeks.
- The dyke along the roadside of this phase 3 has over the last two years burst its banks causing a major traffic hazard with water covering more than half the road by the entrance to phases 1 and 2. Rainwater from this dyke and phase 1 caravans is highly unlikely to get to Walesby Beck let alone drain into it when the pond is also inundating a large area of phase 1.
- Live directly at the side, last thing we want is a load of strangers living next to us. We enjoy the peace and quiet and a nice place for our children to grow up. Strongly disagree with this application, there are enough lodges already approved and nothing has been done with them.
- Lack of evidence the landowner actually intends to use the land for the stated purpose.
- How many jobs have been created up to this point?
- At the time of last year's planning application, there was only one lodge on the development. This situation has not changed. The fishing camp does not appear to be open for business.
- Would have expected that all the approved lodges would have been installed in order to take advantage of this staycation boom.
- By introducing the term "caravans" WLDC has in effect given carte blanche to install any type of caravan he desires.
- This, in effect, increases the value of the land, without the inconvenience of any further investment.
- There was a limit imposed on both applications "to maintain and enhance the rural character of the area, the setting of the AONB and to protect wildlife and in accordance with policies LP2, LP17 and LP26 of the CLLP. The applicant ought to respect that and complete the first 2 developments before applying for more. Then it could be assessed what impact those first to have on the environment.
- This is a particularly attractive part of the area. It would be a shame to despoil the area for a holiday camp which might not be sustainable. Perhaps the applicant would be better establishing his holiday camp in a coastal resort area where there is much more demand.
- The farm shop along with the farmhouse has been offered up for lease.

- The removal of the farm shop, from both the current and previous developments, will almost certainly require the construction of further buildings to assist the use of the site.
- The polytunnels, employment nor the lodges have arrived.
- Much of this site has been flooded through the winter, with most of the caravan standings being constantly under water.
- It surprises local residents, that, on the way to spend time in an AONB, one needs to drive through a caravan park.
- Let's hope the development is going to be in-keeping with an AONB and that caravans are not too obtrusive, nor the litter too abundant.
- We have seen little of the landscaping and replacement of damaged hedging at the first two sites. From this precedent, I expect we will see little landscaping at this latest development. We must expect that we may be left with a view of caravans and washing lines, rather than with a pleasing view of wildlife.
- We have concerns about the safety of the B1203, and the increase in the number of access points to the latest site.
- Been informed that the field adjacent to the Poplar Farm buildings is being measure. I assume that a further application is to be submitted.
- The irrigation lake of application 138912, was to be filled from the springs of Hambleton Hill, via an under-the-B1203 culvert. The culvert has enabled the irrigation lake to be filled. Due to the amount of spring water available, a pool has developed adjacent to the B1203, mostly on the Hambleton Hillside. This will enable anyone falling into the unfenced water, or believing that the visible pool is shallow, to receive a nasty surprise, and in the case of a child, probably a fatal one.
- Some comments submitted in support of the proposed development have been used in previous applications, and by now are obsolete, inaccurate, irrelevant and misleading.
- The historic Hambleton Hill would be destroyed.
- Over-development with an inadequate benefit to the area and other local businesses.
- Noise concerns.
- Concerned that once the site is sold, the lodges will be individually sold for residential occupation rather than the entire site being a holiday complex.

Following a re-consultation on the archaeological report and amended access, the following objections were received from 8 Sandy Lane, Hilltop House 7 Cow Lane, Shepherds Hill, The Birches, Hillstone House, Tudor Cottage, Peacefields, The Hawthornes 13 Cow Lane and 48 Rasen Road –

- the hill is the outstanding feature on the approach to the conservation area that is Tealby ,also AONB, the wolds--ANY structures or roads on this large and attractive hillside would be intrusive and detrimental to a very attractive area. Suggest that any caravans or lodges be placed on the lower ground to the far side of the new lake and that they should be screened from view by planting substantial hedges and trees.
- Stand by previous comments
- The already approved phases of this development will destroy the peaceful and attractive nature of this corner of West Lindsey.
- Only one other response in favour
- Only positive response from Tourism

- Is making money more important than strongly stated, sensible objections of local people.
- This development will add a potentially large volume of traffic, particularly on change-over days, onto a relatively minor road. The junction remains dangerous, just around a tight corner with limited visibility.
- The proposer continues to submit piece-meal what is in essence a very large development, hoping to con the committee with a drip-feed of small elements.
- They have not taken further the original proposal, just leaving one demonstration cabin by the fishing lakes, which does nothing for the local area. It seems reasonable to assume that this will remain their approach until they have consent for over one hundred individual plots. What is the traffic going to be like when all of that goes into development too?
- There are already two outstanding developments with planning permission that have yet to be started. Rather than add a third to what will become a continuous build it would be preferable to gauge and measure the impact of the first two phases. This would enable an objective assessment to be made of the impact of such development.
- There is no practical evidence about traffic issues, noise, congestion, intrusion, effect (positive and/or negative) on the local economy, on employment and the wider effects of such a large development on the near and far country side and the AONB. The Council should delay any discussion of this planning application until factual evidence about the above is available.
- The developer is in possession of a total of 90 acres of land and it is worth noting that in early previous submissions there is talk and interpretation of supposed planning legislation that could allow over 250 such 'lodges', which may be the ultimate aim of the developer.
- The beautiful hill would be ruined by ugly caravans and lodges together with more unsightly advertisement boards.
- There would be no benefit to Tealby and surrounding villages.
- Tealby village does not have the capacity to accommodate more visitors. Overcrowding is already a problem and an increase in numbers would have a detrimental effect.
- The application appears to be solely for commercial gain with no environmental considerations.
- Why should you approve this application when you reduced the numbers in the previous applications because there were too many cabins. The owner has put the first two fields up for sale so there is no indication of any interest in the site apart from making money. If this is approved the other empty fields will almost certainly have an application made too.
- during winter and spring of both 2020 and 2021 the B1203 was badly flooded on the bend at Poplar Farm and down towards Tealby. The ditch on the south side of the road could not cope even with new culverts dug. Not only did the water cause the road to become dangerous for traffic but virtually all the chalets on the first application would have been surrounded by water requiring inhabitants at least to wear wellingtons and raised areas for parking their cars for fear of damage.
- Concerns over the safety of the junction

- concerned upon the possible impact upon Tealby village in terms of the excessive access to the village shop and the pub.
- People who visit the bike park are now parking on the verge alongside the B1203. At weekends the small car park at Willingham Woods / Rasen Rd is often full and there can be several cars & vans parked on the verge opposite the car park which is just around the bend from the proposed second entrance/exit for this application. Maybe the proposed entrance/exit for this application should be in a different place.

Support received from Kestrels –

- No objection to this amended planning application

**LCC Highways:** 04/05/21 - The Highway and Lead Local Flood Authority (HLLFA) would make the following comments:

- The existing eastern access has sub-standard visibility in both directions.
- The existing western access has sub-standard visibility looking towards the east.
- The existing main access (central) has substandard visibility in both directions.

Taking into account the above it is unlikely that the proposed new accesses east and west of the main access will provide the minimum visibility requirements needed for safe access and egress to the site.

It is requested that the applicant looks to provide one safe access, to serve all purposes, that meets the minimum visibility requirements laid out in Manual for Streets of 2.4x124m in both directions. This should take the form of a metalled access constructed to the highway authority's specification. Also require a small footway section and tactile crossing point to allow the use of the footway on the opposite side of the road. As a major planning application there is an obligation to deliver a sustainable drainage solution for the proposal, these details will be required at this stage for consideration.

06/09/21 – No objections, recommends 2 conditions with regards to obstructions in the visibility of the access and the closing up of accesses.

**AONB Officer:** The proposed application site is some 2.5 kilometres to the west of the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and therefore has the potential to impact upon setting, especially the views both from and to the Lincolnshire Wolds. The site lies within the previously mapped and protected Lincolnshire Wolds Area of Great Landscape Value (AGLV). We therefore welcome the inclusion of an additional Landscape and Visual Impact Assessment (LVIA) to help assess these proposals.

It is clear that the site will be visible from the AONB due to the local topography at this location, and the generally very open panoramic views westwards from the higher ground that comprises the Chalk Wolds Escarpment and includes the important recreational route of the Viking Way. Local public rights of way close to the site are also widely promoted, including a section from the Lincolnshire Wolds Gateway Walk from Market Rasen (Following Woods and Mills). The LVIA provides a reasonable summary of the landscape character of the area and details the wider policy contexts, including

for the Lincolnshire Wolds AONB and the accompanying AONB Management Plan (2018-23).

The findings of the LVIA suggests that the development would have an impact upon the longer views from the AONB, but that these are deemed not to have an overriding detrimental impact upon the wider character of the AONB, or its setting, on account of distance, landscaping, the layout of the lodges, their design and height, and the effective screening from the neighbouring blocks of woodland and hedgerows. As per our previous comments, many of the surrounding woodland compartments are under the ownership and management of the Forestry Commission and blocks of conifers will be subject to periodic thinning and harvesting operations, so the level of adjacent screening could change dramatically overtime.

The accompanying D & A reports strong community support for the project, however I note that both Tealby and Walesby Parish Councils have stressed their objections and concerns, as detailed in their respective responses. A

general issue is that the proposed development is significant, being classed as major development, and unlike a mobile caravan and camping facility, the lodges will create a permanent site fixing, with units subsequently in situ. A

further issue raised in our previous response to application 140707, has been one of the potential for light pollution and again this impact does not appear to have been covered within the LVIA. This is an issue that has been generating much discussion at the national level, in particular the importance of our protected landscapes (AONBs and National Parks) for providing and safeguarding our dark night skies.

Whilst efforts have been taken to avoid the rising slopes, the subsequent layout of this application proposal results in a ribbon development pattern alongside Tealby Road. On balance, in the light of the conclusions of the LVIA, it would be difficult to argue a case for the development to have a significant direct impact upon the Lincolnshire Wolds AONB, but the cumulative impacts from the change of use from agriculture land as submitted in this application would be detrimental to the rural character of the AGLV and the wider setting of the AONB.

**Historic England:** 24/04/2021 - The location of the proposed development is the north facing side of Hamilton Hill and undesignated heritage asset associated with the Lincolnshire Rising of 1536. The Rising was a reaction to Henry VIII's break with Rome and the dissolution of the lesser monasteries under Thomas Cromwell. The failure of the Lincolnshire Rising was succeeded by the larger Pilgrimage of Grace the most significant resistance to the Tudor state.

Hamilton Hill (various spellings) by Market Rasen is identified as a site where substantial numbers of rebels assembled before proceeding towards Lincoln, one of a series of assembly points which appear to reflect established landmarks and places of assembly in the county.

See the multiple accounts of the Rising in 'Letters and Papers, Foreign and Domestic, Henry VIII, Volume 11, July-December 1536, ed. James Gairdner (London, 1888), British History Online <http://www.british-history.ac.uk/letters-papers-hen8/vol11> [accessed 22 May 2021].'

The proposed development site is likely to contain the remains of this brief but intense period of occupation including material culture and the remains of camps. The place name resembles other places of public assembly in the medieval landscape (implying a scarred hill or stone) compare Hamilton Hill by Mansfield (a scheduled monument) or the unlocated Hamilstan (scarred stone? in Derbyshire domesday).

In terms of the National Planning Policy Framework there is as submitted insufficient information provided by the applicant (paragraph 189) for your authority to safely determine this case (paragraph 190) given the archaeological potential and its likely ephemeral and fragile character requiring specialist assessment, there is a real possibility of harm. Without a robust understanding of significance it is not possible for your authority to address the requirements of section 12 of the NPPF which treats the historic environment including both undesignated heritage assets and those remains of demonstrable equivalent importance to designated assets, the balance of benefits and harm and their mitigation. Without an understanding of significance and importance you have not the evidential basis to follow the requirements of the NPPF.

#### *Recommendation*

Historic England has concerns regarding the application on heritage grounds. We consider that the issues and safeguards outlined in our advice need to be addressed in order for the application to meet the requirements of paragraphs 189 / 190 of the NPPF.

In determining this application you should bear in mind the statutory duty of section 38(6) of the Planning and Compulsory Purchase Act 2004 to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

30/08/2021 - We note the metal detector survey report now submitted and that the County Council archaeological specialists are providing you with advice, on that basis further to NPPF paragraphs 194 / 195 (the subject of our concerns) we refer you to the advice and expertise of the County Council.

**Growth and Projects Team:** In principle, and subject to normal planning considerations, the Growth and Projects Team (including Visitor Economy) are supportive of the above application from a visitor economy perspective.

Tourism is a major sector in West Lindsey, bringing into the area around £133 million in revenue and supporting c1780 full time jobs (STEAM data 2018).

Staying visitors account for 28% of all visitors to the district and the visitor economy is currently worth £48.3 million (STEAM data 2018) which, has grown annually since 2012. The provision of quality accommodation for visitors is an important element for future sustainable development within the district, adding value to the district's current product by allowing visitors to stay for longer time periods.

Although the tourism and hospitality industry has suffered significantly during the Coronavirus pandemic, research shows that rural destinations are the fastest to

recover, as they have greater potential for offering safe, socially distanced holidays and breaks.

As the industry continues to recover, the rise of the 'staycation' will bring increased demand; therefore enhancing the need for a wide range of quality accommodation. There is currently an increase in the demand for self-contained holiday lets and lodges, as families wish to remain within their 'bubbles', and there is a corresponding shortage and need for more modular accommodation. Staycation visitors are also expecting rural retreats to be sympathetic to the environment. The proposed log cabins will blend in well with the surrounding countryside, whilst the additional planting of wildflowers, trees and hedges will be attractive to pollinators and wildlife thereby improving biodiversity. It is clear that a lot of thought has gone into mitigating any impact on the views of the landscape from a range of vantage points.

In this application it is important to acknowledge that bringing more visitors into the district, who will use all the services available, will undoubtedly aid the economy of the district for local businesses and residents.

This relates particularly to tourists visiting the Lincolnshire Wolds to enjoy the walking and cycling opportunities offered by this Area of Outstanding Natural Beauty. These outdoor activities for both physical and mental wellbeing are currently being promoted strongly by both Visit Lincolnshire and Visit England.

**Natural England:** No objections

**Environment Agency:** Does not wish to make any comments on this application.

**Archaeology:** 15/04/2021 - No archaeological input required.

07/06/2021 - We did not have any record of the role of the hill during the Lincolnshire Rising in the Lincolnshire Historic Environment Record so I can only apologise that we did not raise this in our initial advice to you. I have asked my colleagues who manage the record to ensure that this is rectified so that in future it will be flagged up in future consultations affecting the hill.

Based on Historic England's advice we would recommend that the developer be required to carry out an archaeological evaluation of the site prior to determination to assess its archaeological potential, and inform your planning decision regarding the impacts on the historic environment.

Having discussed it with Historic England, we would recommend that the evaluation takes the form of a systematic archaeological metal detecting survey, carried out in accordance with a specification approved by us in advance to ensure it meets the required standards. The results of this survey should inform a heritage impact assessment containing the information required by CLLP LP25 A, B and C. So it should describe the site's significance and how it relates to the topography of the wider hill and the surrounding landscape, assess how this significance could be affected by the proposed development, and identify how any harm could be mitigated and any opportunities for enhancement.

03/08/2021 - From our perspective this report does not appear to indicate that any significant remains survive here from the use of the hill as a muster point during the Lincolnshire Rising.

It is possible that remains do survive at greater depth than could be detected, but as earlier Roman coins were found in the survey, that doesn't seem to be the case here. It may be that the camp was located further up the slope or focused on another part of the hill.

The use of the hill as a muster point during the Lincolnshire Rising does still contribute to the cultural significance of the hill as a feature in the historic landscape and this should be taken into account when assessing any other impacts from a landscape setting and visual impact perspective (NPPF 130c). But from the available evidence it does not appear to have left significant archaeological remains on this particular site that could be directly impacted by the proposed development. On the basis of these results I would not recommend any further archaeological input be required in association with the present application.

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017).

#### Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP7: A Sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity & Geodiversity

LP25: The Historic Environment, LP26: Design and Amenity

LP55: Development in the Countryside

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

- ***Lincolnshire Minerals and Waste Local Plan (LMWLP)***

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions.

The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

*"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."*

- **National Planning Practice Guidance**
- **National Design Guide (2019)**

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Central Lincolnshire Local Plan**

The consultation on the Draft Central Lincolnshire Local Plan has now commenced. The consultation ran for 8 weeks from 30 June to 24 August 2021.

The very early stage of preparation, unknown extent of unresolved objection because consultation has only just completed and untested consistency with the Framework mean very limited weight is given to the policies it contains relevant to this proposal at this moment.

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

## Other material considerations

Lincolnshire Wolds AONB Management Plan 2018-2023

<https://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

National Planning Practice Guidance<sup>1</sup> states that:

*“Management plans for National Parks, the Broads and Areas of Outstanding Natural Beauty do not form part of the statutory development plan, but they help to set out the strategic context for development. They provide evidence of the value and special qualities of these areas, provide a basis for cross-organisational work to support the purposes of their designation and show how management activities contribute to their protection, enhancement and enjoyment. They may contain information which is relevant when preparing plan policies, or which is a material consideration when assessing planning applications.”*

### **Main issues**

- Principle
- Agricultural Land
- Impact on the Character and Appearance of the Site and Wider Area
- Residential Amenity
- Highways
- Flood Risk and Drainage
- Ecology
- Historic Buildings
- Archaeology

### **Assessment:**

#### Principle

The application seeks permission for the change of use of land for siting of caravans (lodges) including alterations to vehicular access & creation of vehicular crossover.

The site falls to be considered as “countryside” under the spatial strategy and settlement hierarchy of LP2:

*“Unless allowed by:*

- a. policy in any of the levels 1-7 above; or*
- b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:*

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<sup>1</sup> Paragraph: 040 Reference ID: 8-040-20190721 National Planning Practice Guidance – Landscape (<https://www.gov.uk/guidance/natural-environment#landscape>)

- *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *renewable energy generation;*
- *proposals falling under policy LP55; and*
- *to minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.*

This allows the application to be assessed against LP7 in order to determine whether the principle is acceptable.

Part E of LP 55 sets out its policy for “non-residential development in the countryside” as follows:

*Proposals for non-residential developments will be supported provided that:*

*a. The rural location of the enterprise is justifiable to maintain or enhance the rural economy*

*or the location is justified by means of proximity to existing established businesses or natural features;*

*b. The location of the enterprise is suitable in terms of accessibility;*

*c. The location of the enterprise would not result in conflict with neighbouring uses; and*

*d. The development is of a size and scale commensurate with the proposed use and with the rural character of the location.*

It is considered however, that this policy should not be read in isolation, but alongside LP7 which sets out a direct policy in relation to “A Sustainable Visitor Economy” and which provides locational parameters for such developments.

The supporting text (section 3.7) of the Central Lincolnshire Local Plan (CLLP) explains that “*The visitor economy is one of the most important sectors of Central Lincolnshire’s economy.*” It explains that, whilst Lincoln is the principal visitor destination in Central Lincolnshire, that “*Rural Central Lincolnshire also makes a significant contribution to the visitor economy, with many visitors attracted to the waterways, walking and cycling routes, aviation attractions and other attractions across the area which are varied and numerous.*”

The Greater Lincolnshire Local Enterprise Partnership (GLLEP) recognises the visitor economy as one of the top three strongest economic sectors within Greater Lincolnshire and identified this sector as one of the priorities for growth. In order to achieve this, policy LP7 “*aims to encourage sustainable growth in the visitor economy*”. It explains that “*The tourism offer of more urban areas is different to that in rural areas where the scale and types of visitor economy uses need to be in scale with their surroundings.*”

Policy LP7: A Sustainable Visitor Economy

Development and activities that will deliver high quality sustainable visitor facilities such as culture and leisure facilities, sporting attractions and accommodation, including

proposals for temporary permission in support of the promotion of events and festivals, will be supported. Such development and activities should be designed so that they:

- a. contribute to the local economy; and
- b. benefit both local communities and visitors; and
- c. respect the intrinsic natural and built environmental qualities of the area; and
- d. are appropriate for the character of the local environment in scale and nature.

Development should be located within existing settlements, or as part of planned urban extensions, unless it can be demonstrated that:

- such locations are unsuitable for the nature of the proposal and there is an overriding benefit to the local economy and/or community and/or environment for locating away from such built up areas; or
- it relates to an existing visitor facility which is seeking redevelopment or expansion.

The host property (Sunnyside Up) of the proposed site currently operates as a farm shop; café and as a restaurant over two floors. There is an area for outside dining and a dedicated car park with capacity for 30 cars. The business has been operating for approaching 15 years.

Sunnyside Up farm shop employs 15 staff, 3 full time and 12 part time.

As part of the proposal staffing levels are proposed to increase by 3 part time.

It was concluded in previous applications (139788, 140707 and 141422) that the proposal is an existing visitor facility. The proposal therefore can be considered as an expansion of an existing visitor facility in accordance with the policy requirements to be able to support tourism outside the settlement. The principle can therefore be supported, however, its acceptability rests on a consideration of the detailed impacts arising.

The proposal would contribute to the local economy and would benefit local communities and visitors. The Growth Team have been consulted and state that it is important to acknowledge that bringing more visitors into the district, who will use all the services available, will undoubtedly aid the economy of the district for local businesses and residents.

Furthermore they state that although the tourism and hospitality industry has suffered significantly during the Coronavirus pandemic, research shows that rural destinations are the fastest to recover, as they have greater potential for offering safe, socially distanced holidays and breaks. As the industry continues to recover, the rise of the 'staycation' will bring increased demand; therefore enhancing the need for a wide range of quality accommodation. Short term benefits may be given some weight, however, planning permission is to change the use of land in perpetuity.

The proposal would therefore be in accordance with criteria a and b of policy LP7.

Criteria c and d of policy LP7 will be assessed in further detail in the sections below.

The location is justified by means of proximity to existing established businesses or natural features, is suitable in terms of accessibility; The location of the enterprise would not result in conflict with neighbouring uses; and The development is of a size and scale commensurate with the proposed use and with the rural character of the location (discussed in more detail below) and would therefore be in accordance with policy LP55.

Paragraph 83 of the NPPF states that

Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
- d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

Policy LP7 is consistent with the NPPF and is attached full weight.

#### Agricultural Land

Part G of policy LP55 states that proposals should protect the best and most versatile agricultural land so as to protect opportunities for food production and the continuance of the agricultural economy.

The land is Grade 3 agricultural land which is classified as good to moderate and the middle classification on the East Midlands Land Classification.

Natural England's Land Classification map does not distinguish between grade 3A (good) and 3B (moderate). Only Grade 3A falls within the classification of Best and Most Versatile Agricultural Land (BMV land) – to which Part G of LP55 applies / NPPF.

In the absence of a site specific survey, a precautionary view is taken that the proposed development could lose up to 10.69ha of BMV land.

The loss of potential best and most versatile agricultural land is a perceived harm from the proposal. This will need to be weighed against the identified benefits of development in the overall planning balance.

Paragraph 170(b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by:

- b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and

other benefits of the best and most versatile agricultural land, and of trees and woodland

Policy LP55 is consistent with the NPPF and is attached full weight.

*Impact on the Character and Appearance of the Site and Wider Area*

Policy LP17 states that to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

All development proposals should take account of views in to, out of and within development areas: schemes should be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas, and create new public views where possible.

The considerations set out in this policy are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB (approximately 2.4km to the east) and the Areas of Great Landscape Value (as identified on the policies map) and upon Lincoln's historic skyline.

The Lincolnshire Wolds Management Plan identifies the special qualities of the AONB and ensures that the landscape is managed, conserved and enhanced for public use and enjoyment.

The Landscape Character Special Qualities are identified as:

- Scenic beauty and rural charm;
- Expansive, sweeping views;
- Peace and tranquillity.

The relevant threats and pressures to the AONB are identified as:

- Impact of changing farming practices through any decline or switch in future agri-environment subsidies, especially as a result of Brexit and the current uncertainties in the future markets for UK agricultural and horticultural goods;
- Inappropriate or insensitive development both within and adjacent to the AONB including potential pressures from quarrying activity, wind farms, telecommunication infrastructure and new overhead electrical wires;
- Safeguarding the dramatic escarpment and ridge-top views;

- Meeting the needs of the local community for new economic development and service provision whilst protecting the natural beauty and landscape character;
- Strongly linked to above, the need to maintain the area's special qualities and unique tranquillity whilst supporting/promoting development of appropriate type and scale to help secure access, recreation and tourism benefits;
- Impact upon views within, from and to the AONB, including cumulative impacts from neighbouring developments;
- Assessing future impacts from climate change including effects upon the area's ecosystem goods and services – for example future agriculture, biodiversity, heritage and water assets.

The five key aims of the Management Plan are to sustain and enhance:

- The Lincolnshire Wolds' natural beauty and its landscape character;
- Farming and land management in the Wolds as the primary activities in maintaining its character, landscape and biodiversity;
- Recreational, tourism and interpretive activities and opportunities appropriate to the area;
- The economic and social base of the Wolds including the development and diversification of enterprises appropriate to the area;
- Partnerships between organisations, the local community, landowners and others with an interest in the Wolds.

There are various objectives and policies set out within the AONB Management Plan. Those pertinent to the application include:

- To protect, enhance and where appropriate, restore the biodiversity of the Lincolnshire Wolds AONB, aiding the development and relevant delivery of the Lincolnshire Nature Strategy, Biodiversity 2020, Natural England's Conservation 21 Strategy and emerging UK environmental plans (post-Brexit) including A Green Future;
- To protect, manage, enhance and, where appropriate increase, the hedgerows and landmark trees in the AONB;
- To protect and enhance the historic and locally distinctive character of rural settlements, buildings and features within the AONB.

As part of the application a Landscape and Visual Statement has been submitted.

The application site lies outside the Area of Outstanding Natural Beauty but within the Area of Great Landscape Value.

The site falls within the West Lindsey Landscape Character Assessment 1999 – Area 11: Heathland Belt

The key characteristics of this LCA relevant to the application are:

- Large conifer plantations and acid soils formed on areas of coversand;
- Gorse, birch trees and acid grassland indicate heathland character within the agricultural landscape;
- Mix of arable fields and pastures with patchy clumps of hedgerows and few hedgerow trees;
- Distinctive lines of oaks, straight ancient hedgerows and small deciduous woodlands near Holton le Moor; and
- The fringes of Market Rasen and Caistor have a relatively wide range of land uses

Particularly distinctive are the extensive plantations of Scots and Corsican Pine which form a dark vertical edge, especially where there is no deciduous edge to them. This stark visual edge is particularly dominant in views from the Wolds between Walesby and Tealby.

The landscape pattern varies from large scale arable fields and pastures to smaller scale horse fields, immediately to the north of Market Rasen. Fields are enclosed by low hedgerows and hedgerow trees.

The landscape on the outskirts of Market Rasen has a particular diverse pattern and a variety of uses including agriculture, light industry, kennels, nurseries, a race course, golf course and camping area. The blocks of woodland, hedgerows and trees help to accommodate this varied range of land use in a predominantly flat agricultural landscape.

Within the woodlands there is a strong sense of enclosure.

Due to the conifer plantations views are relatively contained and there is some capacity to accommodate change. The most sensitive parts of the landscape, relative to the application site are;

- Woodland edges – these structure views (particularly towards the Wolds) and forms a dark backdrop to most views within this area
- Species rich in ancient hedgerows

In terms of principles for accommodating new development, again relevant to the application site:

- Any new development on the fringes of Market Rasen or Caistor should be accompanied by mass planting which is designed to help integrate the development with the surrounding landscape pattern. It should include elements such as mixed woodland, hedgerows and hedgerow trees (predominantly oak).

In terms of managing the landscape, the introduction of a deciduous edge to conifer plantations where there are none would help integrate the woodlands with the surrounding landscape.

It is important to consider some of the characteristics of the adjacent LCA, Area 12: North West Wolds Escarpment where relevant to the application site.

Those key characteristics which come through for this character area are:

- Extensive views towards the north and west; and
- The scarp feature forms a prominent vertical feature in the landscape.

The application site is currently a sloping grazing field, opposite the Sunnyside Farm and fishing lake complex which comprises the farmhouse, shop and café, farmyard and the Site for the approved lodges. The Site lies directly to the south of the approved lodge site.

The field is formed by the Tealby Road to the north and the plantation on Hamilton Hill to the south. The topography rises approximately 22m from 40m AOD along Rasen Road to 62m AOD at the high point of Hamilton Hill at 62m AOD just beyond the Site's southern boundary.

The adjacent fields to the north and east are relatively flat rising gently to the east to Tealby Road and then sharply increasing from 59m AOD to circa.115m AOD as it rises up to the Wolds ridgeline.

The Landscape and Visual Statement concludes that the application site and the adjacent landscape are not considered to be highly sensitive to the proposals. The sloping topography of the site, results in increased sensitivity to development on the higher ground.

The Local Landscape character assessment considers the woodland edges to the plantations to be the most sensitive features of this part of the landscape and they are a dominant part of the character in this location. The application site is also within the landscape and visual setting of the Lincolnshire Wolds AONB and therefore this should be given due consideration.

This is a statutory duty under 85(1) of the Countryside Act and states –

*In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.*

The proposed development typology is now a feature within this local landscape as a result of the approved developments on land opposite to the application site. As with the previous applications, the proposals are a low intervention development by virtue of the lodges being temporary. There are no additional components offered as part of this application and, although the landscape proposals are less extensive, they seek to improve and enhance the road edge vegetation. The scheme seeks to introduce meadow planting to improve biodiversity.

Visually, the proposals will be read in the context of the existing lodges and fishing lakes.

Due to the nature of the approaches from both Tealby and Market Rasen, the development on the site will be viewed as a small part of the overall lodge setting which now influences the character of these fields.

On the approaches from the plantation to the north the proposals will not be read in isolation but will be understood by the receptor as part of the landscape of this local area. In views directly south from the path (VP04 & 06) the proposal will be a new feature in the southern portion but small recreational developments, scattered farmsteads and outlying built form is not an inappropriate feature in the location or the wider AONB. To the north, although not visible in the context of this proposal, is a camp site and the 15 lodges have been approved and are being constructed.

From Hamilton Hill and within the plantation to the north generally there will be a limited change in the views. Receptors will now experience views of the constructed lodges and fishing lakes and from the views within the main body of the woodland (VP08 & 07) the proposals will be read in the context of these. From breaks in the boundary and the residential property the existing lodges will appear to extend over Tealby Road and onto the lower slopes of the site. However, these new lodges will be read as a small extension to the existing development and do not extend to the contextual understanding of the overall Park and Farm. Importantly views to the ridgeline of the AONB and the plantation to the north are not disrupted.

The proposals will not detract from the panoramic views experienced from the Viking Way along the Wolds ridgeline. It is unlikely that the proposals will be visible from the low-lying PRoW network due to the existing lodges and the intervening vegetation. From the ridgeline the introduction of additional lodges will be barely discernible and if legible will be read as a minor extension to the existing development. The open element of the upper slopes of the Site remains open and the break to the plantation edge is clear.

The experience of the AONB and the qualities that contribute to its designation would not be impacted by the proposals.

The potential for a change in the views will largely only be experienced in very close proximity to the proposals, on the approaches to the site and from the residential property on the boundary of Hamilton Hill. The proposals will introduce a change in the view as the receptor approaches the site, however there will not be a feeling that this is an inappropriate typology, the lodges always being read in the context of the existing development.

The proposals introduce up to 22 lodges along the lower areas of the site adjacent to Tealby Road. These lodges are laid out in a linear form, following the line of the topography and the road.

The existing boundaries will be retained. Where native hedgerow runs along the roads edge this will be enhanced and improved to protect its longevity. The post and rail fence will largely be retained with some additional tree planting. The more open aspect of this part of the boundary will be substantiated with additional tree planting whilst maintaining an open element which allows connection between the approved areas of lodge development and the existing farm, joining the phases of the overall Park visually and physically to form a continuous development.

Additional limited tree planting will be implemented on the higher slopes of the site, but not extensively to retain the openness of the field and not compromise the views towards the plantation to the north where available..

The mature woodland boundary on the western boundary will be refined internally with similar planting to enhance that deciduous coverage.

This planting creates a comfortable environment for the visitors to the lodges. Wildflower meadow planting will be introduced around the lodges, in the foreground, providing increased biodiversity and provide a pleasant outlook for the visitors and general users of the surrounding landscape.

Limited areas of hardstanding will be introduced on the site to provide for the necessary facilities such as new internal circulation road and a parking bay in front of each lodge. All these features sit within the extent of the boundary planting.

Comments received from local residents' state that landscaping from the previously approved adjacent site has not yet occurred. However there was only 1 out of the 15 approved lodges on site when the application was submitted. The condition on this application (139788) states that landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or completion of the development. Neither of these triggers has been met and therefore the landscaping does not need to be carried out at this time. This condition is also in place for application 141442.

Lodges are a temporary fixture and with appropriate landscaping the proposal would be acceptable. The proposal would not be deemed an inappropriate feature in this landscape giving the wider considerations of the landscape.

The proposal would be for 22 pitches, which the number should be secured via planning condition.

The experience of the AONB and qualities that contribute to its designation would not be expected to be impacted by the proposal.

On the previous applications (139788 and 141442) landscaping and more information on lighting plans to reduce the impacts and disruption to the AONB setting were requested by condition. This is felt to be still appropriate for this application. This can, and should be secured via a planning condition should the application be approved.

Concerns were raised with regards to the site and in its involvement in the Lincolnshire Rising (see archaeology section). It is not considered that the lodges would have a detrimental impact on this undesignated heritage asset as the location of the rising from a visual impact perspective.

The proposal is therefore in accordance with criteria c and d of LP7 and policy LP17 of the Central Lincolnshire Local Plan.

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

Policy LP17 is consistent with the NPPF and is attached full weight.

#### Residential Amenity

Policy LP26 states that the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development.

Concerns have been raised with regards to noise. The proposal does not give rise to any obvious or immediate noise concerns. The nearest neighbour (Hamilton Hill) is approximately 110m away from the nearest lodge.

The lodges are sited approximately 21 metres apart from one another. This would be adequate separation and would not give rise to concerns over privacy.

Paragraph 127 of the NPPF states that Planning policies and decisions should ensure that developments:

- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users

Policy LP26 is consistent with the NPPF and is attached full weight.

#### Highways

Policy LP13 states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

LCC Highways have been consulted on the application and had the following comments:

- The existing eastern access has sub-standard visibility in both directions.
- The existing western access has sub-standard visibility looking towards the east.
- The existing main access (central) has substandard visibility in both directions.

Taking into account the above it is unlikely that the proposed new accesses east and west of the main access will provide the minimum visibility requirements needed for safe access and egress to the site. It is requested that the applicant looks to provide one safe access, to serve all purposes, that meets the minimum visibility requirements laid out in Manual for Streets of 2.4x124m in both directions. This should take the form of a metalled access constructed to the highway authority's specification. Also required is a small footway section and tactile crossing point to allow the use of the footway on the opposite side of the road.

Poor visibility was also experienced first-hand from the officer's site visit with the highways officer.

Therefore, amendments were requested for safe access to the site.

Amendments were received and the highways team had no objections to the revised scheme, subject to the following conditions –

1. Before the access is brought into use all obstructions exceeding 1 metre high shall be cleared from the land within the visibility splays illustrated on drawing number DMC 20605/005 Rev A dated March 2021 and thereafter, the visibility splays shall be kept free of obstructions exceeding 1 metre in height.
2. Within seven days of the new access being brought into use, the existing access onto Tealby Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

These conditions are required so that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre and to reduce to a minimum, the number of individual access points to the development, in the interests of road safety.

The proposal subject to these conditions would be in accordance with policy LP13.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy LP13 is consistent with the NPPF and is given full weight.

Flood Risk and Drainage

Policy LP14 states that all development proposals will be considered against the NPPF, including application of the sequential and, if necessary, the exception test.

*Through appropriate consultation and option appraisal, development proposals should demonstrate:*

- a. that they are informed by and take account of the best available information from all sources of flood risk and by site specific flood risk assessments where appropriate;*
- b. that there is no unacceptable increased risk of flooding to the development site or to existing properties;*
- c. that the development will be safe during its lifetime, does not affect the integrity of existing flood defences and any necessary flood mitigation measures have been agreed with the relevant bodies;*
- d. that the adoption, ongoing maintenance and management of any mitigation measures have been considered and any necessary agreements are in place;*
- e. how proposals have taken a positive approach to reducing overall flood risk and have considered the potential to contribute towards solutions for the wider area; and*
- f. that they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.*

Policy LP14 states that development proposals should demonstrate:

- g. that water is available to support the development proposed;*
- h. that development contributes positively to the water environment and its ecology where possible and does not adversely affect surface and ground water quality in line with the requirements of the Water Framework Directive;*
- i. that development with the potential to pose a risk to groundwater resources is not located in sensitive locations to meet the requirements of the Water Framework Directive;*
- j. they meet the Building Regulation water efficiency standard of 110 litres per occupier per day;*
- k. how Sustainable Drainage Systems (SuDS) to deliver improvements to water quality, the water environment and where possible to improve amenity and biodiversity have been incorporated into the proposal unless they can be shown to be impractical;*
- l. that relevant site investigations, risk assessments and necessary mitigation measures for source protection zones around boreholes, wells, springs and water courses have been agreed with the relevant bodies (e.g. the Environment Agency and relevant water companies);*
- m. that adequate foul water treatment and disposal already exists or can be provided in time to serve the development;*
- n. that no surface water connections are made to the foul system;*

*o. that surface water connections to the combined or surface water system are only made in exceptional circumstances where it can be demonstrated that there are no feasible alternatives (this applies to new developments and redevelopments) and where there is no detriment to existing users;*  
*p. that no combined sewer overflows are created in areas served by combined sewers, and that foul and surface water flows are separated;*  
*q. that suitable access is safeguarded for the maintenance of water resources, flood defences and drainage infrastructure; and*  
*r. that adequate provision is made to safeguard the future maintenance of water bodies to which surface water is discharged, preferably by an Agency, Internal Drainage Board, Water Company, the Canal and River Trust or local council).*

The foul water from the development will be collected on site and discharged into a proposed foul water treatment plant sited on land within the applicant's ownership. The overflow from the plant will be discharged into Walesby Beck, connected to the existing discharge connection. Consent to discharge into the existing watercourse will be required from the Environment Agency accordingly.

All of the surface water from the development will be discharged into the proposed pond with an outlet connected to the existing connection to Walesby Beck. The surface water connections and disposal are all on land owned by the applicant and therefore the proposed drainage from the site is totally self-sufficient and independent.

The development will include water butts on the rainwater outlets of the lodges to enable recycled water to be used for the irrigation purposes to reduce the needs on main water supplies and also to limit the amount of surface water discharge to the existing water course.

Private access roads and car spaces will be constructed in porous surfaces to allow water to percolate laterally into the surrounding soft landscape areas. The subsoil's are of a sandy nature and offer good infiltration potential.

The proposed pond can remove grit and small particles before discharging to the existing drain. Porous surfaces is proposed as a way of removing hydrocarbons from spillages in parking areas and trapped gullies will be used around the access roads.

The site is located within Flood Zone 1 (low probability) and is not known to be at risk of flooding from external sources. The site would be protected from flooding by the use of pipes, porous surfaces, swales (if required) and site attenuation (proposed pond) that will attenuate water during the worst case 1 in 100 year storm event. The designed drainage system will be subjected to a regular maintenance regime to ensure that blockages do not occur. Capacity within the drainage network will be maintained by regular inspection and removal of vegetation and other general debris. The design of the proposed drainage system would include a 30% increase in rainfall intensity to allow for the effects of climate change over the design life of the premises.

The surface water from the proposed development is likely to be restricted to less than existing Greenfield runoff discharge rates. Any swales and wet balancing pond would be designed to attenuate storms during a 1 in 100 year storm event with a 30% climate change allowance. This, together with a regular maintenance regime to ensure no blockages or loss of capacity will occur to ensure that the risk of flooding elsewhere will not increase.

A condition is recommended for a final drainage scheme prior to the erection of the log cabins should the application be approved. The proposal subject to conditions would be in accordance with policy LP14.

Paragraph 165 of the NPPF states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy LP14 is consistent with the NPPF and is attached full weight.

### Ecology

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.

Concerns have been raised from residents with regards to wildlife.

An ecological report has been submitted with the application. However, this is from April 2019 (out of date) and does not relate to this specific site. Therefore this cannot be used in consideration of this application.

It was requested that the agent submit an ecological report for the site. This was subsequently submitted.

The report recommends various mitigation for numerous species. Therefore, these recommendations are suggested for condition (see recommended conditions).

The proposal, subject to this condition, would be in accordance with policy LP21.

Paragraph 174(b) of the NPPF states that to protect and enhance biodiversity and geodiversity, plans should promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

Policy LP21 is consistent with the NPPF and is attached full weight.

### Historic Buildings

Policy LP25 states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

The host farmstead buildings are considered to be historic buildings on the HER record but are not listed.

It is not felt that the lodges would have a detrimental impact on the farmstead. Whilst there would be a change to the setting this is deemed to be harmful.

Paragraph 192 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Policy LP25 is consistent with the NPPF and is attached full weight.

### Archaeology

Policy LP25 states that Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance.

Planning applications for such development should be accompanied by an appropriate and proportionate assessment to understand the potential for and significance of remains, and the impact of development upon them.

The location of the proposed development is the north facing side of Hamilton Hill and undesignated heritage asset associated with the Lincolnshire Rising of 1536. The Rising was a reaction to Henry VIII's break with Rome and the dissolution of the lesser monasteries under Thomas Cromwell. The failure of the Lincolnshire Rising was succeeded by the larger Pilgrimage of Grace the most significant resistance to the Tudor state.

Hamilton Hill (various spellings) by Market Rasen is identified as a site where substantial numbers of rebels assembled before proceeding towards Lincoln, one of a series of assembly points which appear to reflect established landmarks and places of assembly in the county.

It was considered that the proposed development site was likely to contain the remains of this brief but intense period of occupation including material culture and the remains of camps.

As originally submitted, there was insufficient information to determine the impact on archaeological assets and Historic England amongst other objectors had concerns regarding the application on heritage grounds.

Therefore, in consultation with the archaeologist at LCC, it was requested that an evaluation taking the form of a systematic archaeological metal detecting survey, be carried out in accordance with a specification approved LCC in advance to ensure it meets the required standards.

This was subsequently undertaken and submitted.

The report does not appear to indicate that any significant remains survive here from the use of the hill as a muster point during the Lincolnshire Rising. It is possible that remains do survive at greater depth than could be detected, but as earlier Roman coins were found in the survey, that doesn't seem to be the case here. It may be that the camp was located further up the slope or focused on another part of the hill.

The use of the hill as a muster point during the Lincolnshire Rising does still contribute to the cultural significance of the hill as a feature in the historic landscape and this should be taken into account when assessing any other impacts from a landscape setting and visual impact perspective (NPPF 130c). But from the available evidence it does not appear to have left significant archaeological remains on this particular site that could be directly impacted by the proposed development.

On the basis of these results, further archaeological input was not recommended.

Paragraph 194 of the NPPF states that where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Policy LP25 is consistent with the NPPF and is attached full weight.

#### *Other matters*

The application is to be considered on its own merits, against the provisions of the development plan. Speculative growth is not a material planning consideration. Any future applications would also need to be considered on their own merits. The previous permissions were not granted on the basis that they would be no further development on the adjacent land. No such restrictions were placed on these applications. However as stated, any future applications will be considered on their own merits.

Advertisements are not applied for under this application and are not a material consideration to this application.

It is considered that sufficient information has been submitted to make an informed recommendation.

Polytunnels were not previously granted permission.

The proposal has been assessed as holiday accommodation and not dwellings. A condition should be attached to restrict to holiday accommodation should the application be approved. Should the lodges not be used for holiday accommodation, this would not accord with the planning permission being sought, and would be a breach of planning control, that may be subject to enforcement.

The officer could not find details of the land with recent permission being for sale. However, regardless of this, planning permission goes with the land not the owner. Therefore, whether the land is up for sale or not this is not considered to be a consideration of the application or what the proposed sale would impact upon. Planning permission is land based.

### **Conclusion**

The proposal would have some impact to the landscape however is not considered to have a detrimental impact upon the character of the area or the setting of the AONB.

The proposal is considered not to have an adverse impact on residential amenity or highway safety.

The site is at low risk of flooding, provides adequate drainage and would enhance the ecology and biodiversity of the site.

The proposal would allow for the potential loss of good to moderate agricultural land which would be a harm of the proposal. However, the proposal would contribute to the tourism industry and would be beneficial to the economy.

Taking in account all the considerations the proposal is recommended for approval subject to the following conditions:

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

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

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

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

2. No development shall take place until a final landscaping scheme including details of the size, species and position or density of all trees/hedges to be planted, details of any removal of hedges, details of the height and materials used for any boundary treatments and the surface material of the parking spaces have been submitted to and approved in writing by the Local Planning Authority.

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

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

3. 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 details shown on the approved plans:

Forresters Lodge Elevations and Floor Plan

The Strand Elevations and Floor Plan

dmc 20605/002 Rev A

dmc 20605/003 Rev A

dmc 20605/004 Rev A

dmc 20605/005 Rev A

and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans.

4. Prior to the installation of any external lighting, details of the lighting scheme (including a light spill diagram) including luminance shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall then be implemented in strict accordance with the approved plans and retained as such thereafter.

**Reason:** To maintain and enhance the rural character of the area, the setting of the Lincolnshire Wolds AONB and to protect wildlife and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan.

5. The development hereby approved shall only be carried out in accordance with the recommendations set out in the Ecological Appraisal dated April 2021 by Ecology & Forestry Ltd.

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

**6.** No development shall take place during the bird breeding season (1<sup>st</sup> March to 31<sup>st</sup> July) in any year until, a detailed survey is undertaken to check for the existence of bird nests. Any active nests shall be protected until the young fledge. Completion of bird nest inspection shall be confirmed by a suitably qualified person and a report submitted to and approved in writing by the Local Planning Authority before any demolition works commence.

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

**7.** No erection of the log cabins shall take place until details of the proposed surface water and foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved details must be in place before occupation of the log cabins

**Reason:** To ensure satisfactory drainage arrangements are in place in accordance with policy LP 14 of the Central Lincolnshire Local Plan.

**8.** Before the access is brought into use all obstructions exceeding 1 metre high shall be cleared from the land within the visibility splays illustrated on drawing number DMC 20605/005 Rev A dated March 2021 and thereafter, the visibility splays shall be kept free of obstructions exceeding 1 metre in height.

**Reason:** So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre.

**9.** Within seven days of the new access being brought into use, the existing access onto Tealby Road shall be permanently closed in accordance with details to be agreed in writing with the Local Planning Authority.

**Reason:** To reduce to a minimum, the number of individual access points to the development, in the interests of road safety.

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

**10.** The maximum number of log cabins on the site shall not exceed **22**.

**Reason:** This was the number considered acceptable to maintain and enhance the rural character of the area and the setting of the Lincolnshire Wolds AONB and in accordance with policies LP2, LP17 and LP26 of the Central Lincolnshire Local Plan.

**11.** All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the lodges or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development

die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

**Reason:** To ensure that an approved landscaping scheme is implemented in a speedy and diligent way and that initial plant losses are overcome, in the interests of the visual amenities of the locality and in accordance with policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**12.** The accommodation hereby permitted shall only be used for holiday accommodation and shall not be used to provide any unit of permanent residential accommodation.

**Reason:** To accord with current planning policies under which continuously occupied dwellings would not normally be permitted on the site to accord with the National Planning Policy Framework and local policy LP26 of the Central Lincolnshire Local Plan 2012-2036.

#### **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

# Agenda Item 6c



# Officer's Report

## Planning Application No: 142948

**PROPOSAL:** Planning application for rear conservatory and raised terrace, including boundary treatments.

**LOCATION:** 5 Colins Walk Scotter Gainsborough DN21 3SR  
**WARD:** Scotter and Blyton

**TARGET DECISION DATE:** 27/08/2021  
**DEVELOPMENT TYPE:** Householder Development  
**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Grant permission subject to conditions

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### Description:

The application site is located within a residential area of Scotter and within a sand and gravel minerals safeguarding area. It hosts a semi-detached bungalow and associated garden area, with room for off street parking to the south-west side of the dwelling. The site slopes down from the North West to the South east resulting in the bungalow being set on higher ground than its garden area. A water course runs along the rear garden boundary. Boundary treatments consists mainly of 1.5-1.8 metres high close boarded fencing along both sides of the garden while a 1 metre post and rail fence and planting runs along the rear.

The site is surrounded by other residential properties and their garden areas and mainly consist of semi-detached bungalows. The dwelling attached to the application site sits to the North east and has the same sloping garden arrangement.

This application seeks planning permission to erect a conservatory, raised platform and associated boundary treatments to the rear of the property. The conservatory, raised platform and steps accessing it, as originally applied for, have already been erected, with planning permission being sought retrospectively (s73a of the Planning Act 1990 allows planning permission to be granted to development already carried out).

The proposals are subject to amendments to those originally applied for and currently constructed. They relate to details received on 23<sup>rd</sup> July 2021. The Application returns to the Planning Committee for consideration after a site visit was undertaken on 23<sup>rd</sup> September 2021.

### Relevant history:

None for the site or immediate neighbouring properties.

The attached neighbouring bungalow has a conservatory and raised platform. Planning permission has not been given for these additions but property sale evidence shows that they have been present on the site for more than 4 years so are now likely to be immune from enforcement action under s171B of the Act.

### Representations:

Chairman/Ward member(s):	None received to date
Parish/Town Council/Meeting:	No comments to make.
Local residents:	<p>4 Colins Walk (owner and Occupier)</p> <p>The owner and occupiers of 4 Colins walk raise objections and concerns regarding the original scheme for the following reasons (summarised):</p> <ul style="list-style-type: none"> <li>• Built beyond the boundary</li> <li>• Location of the balcony being built up to the boundary and within close proximity to the bedroom window</li> <li>• Overlooking and loss of privacy to garden and bedroom</li> </ul> <p>Concerns raised over the revised scheme (summarised):</p> <ul style="list-style-type: none"> <li>• Overlooking and loss of privacy will still not be avoided as the person standing on the platform will still have uninterrupted views of the back garden of No 4.</li> <li>• Quality of life will be harmed through constant overlooking.</li> <li>• The proposed screen will look unsightly from the back garden and overshadow the garden area within the immediate area.</li> <li>• Outlook out of bedroom window will be adversely affected.</li> <li>• The boundary wall encroaches onto my property.</li> <li>• The new proposals will support more people on the balcony with views into the bedroom still being afforded.</li> <li>• The balcony should be reduced in size and away from the boundary wall.</li> <li>• Report submitted in relation to boundary dispute (23/08/21)</li> </ul>
LCC Highways/Lead Local Flood Authority:	Does not wish to restrict the grant of planning permission for this proposal the access and parking arrangements remain unchanged, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety
Archaeology:	None received to date.
IDOX:	Checked 23/08/21

<b>Relevant Planning Policies:</b>	
National guidance	National Planning Policy Framework National Planning Practice Guidance
Local Guidance	<p>Central Lincolnshire Local Plan ( 2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP26: Design and Amenity</p> <p>The above named Policies are considered to be in accordance with the guidance in the NPPF and in line with paragraph 219 of it, full weight afforded to them in the assessment of this</p>

	application.
Central Lincolnshire Local Plan 2021 Consultation Draft:	<p>The consultation on the draft Central Lincolnshire Local Plan commenced on 30th June and will run until 24th August.</p> <p>Policies of the Draft Plan which are considered relevant to this application are:  Policy S1: The Spatial Strategy and Settlement Hierarchy  Policy S12: Reducing Energy Consumption in Existing Buildings  Policy S52 Design and Amenity</p> <p>In line with paragraph 48 of the NPPF weight may now be given to any relevant policies in the emerging plan according to the criteria set out below:</p> <p>(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</p> <p>(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)</p> <p>As the draft CLLP is at its first stage of consultation, and the extent to which there may be any unresolved objections is yet to be established, the policies at this time carry very limited weight in the determination of this application.</p>
Neighbourhood Plan:	Scotter Neighbourhood Plan D5 – Design of New Development
Minerals and Waste Core Strategy and Development Management Policies:	Policy M11: Safeguarding of Mineral Resources

**Policies: LP17 - Landscape, Townscape and Views and LP26 – Design and Amenity of the Central Lincolnshire Local Plan and Policy D5 - Design of new development of the Scotter Neighbourhood Plan.**

*Is the proposal well designed in relation to its siting, height, scale, massing and form? Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area? Does it respect its immediate surroundings including adjacent properties? Does it reinforce the distinct local character as detained in the Scotter Character Assessment 2016? (Character Area H)*

The existing conservatory and raised platform are located to the rear of the dwelling and due to the land levels of the rear garden are raised to meet the floor area of the bungalow. The amended location of the steps are located close to the base of the

conservatory and therefore read within the same context as these elements.

The Conservatory and platform, despite being raised from the garden area are considered to be of a size, scale and design which comfortably relate to the existing bungalow and read as additions to it. The attached neighbouring property also has a similar conservatory with a raised platform set beyond its north east elevation.

The application as amended also proposes the erection of a 1.8 metre obscurely glazed screen located on the side boundary separating the raised platform with No 4. Due to the difference in land levels this screen will be 3 metres high from the base of the raised platform and even higher from the bottom of the garden where the land slopes away further. The existing fence along this boundary however follows the existing land levels and therefore increases in height up towards the property. As such the proposed screen will be seen as a progression of the existing boundary treatment and will be read in connection with the dwelling and as part of the raised platform. The eaves height of the existing conservatory on site and that on the neighbouring properties are also set higher than the proposed screen and project further from the rear elevation of the property than the glazed screen proposed. Consequently the proposed screen will not look like an alien feature which is out of place and not therefore considered to be of a size, scale or design which is significantly out of character with the host property, that attached or those surrounding.

The siting of the whole development is also noted to the rear of the property and consequently it has very little visual impact within Colins Walk street scene. There are also limited views of the rear of No 5 Colins Walk from the wider area and as such the development would also have minimal impact on the character of the wider area. The development would not therefore be detrimental to the positive characteristics of Character Area H, as set out on page 123 of the Character assessment. No concerns have also been raised in relation to impact upon the character of the area by the Parish Council.

*Does the proposal harm any important local views into, out of or through the site?*

No.

*Does the proposal use appropriate materials which respect their surroundings and reinforce local character?*

Yes. They reflect those of the host property, that attached and surrounding.

*Does the proposal adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance?*

Objections were raised by the owner and occupier of the No 4 Colins Walk in relation to the proposals as submitted. Their concerns related to the raised platform, its close proximity to the boundary and the harmful impacts it results in, through overlooking and loss of privacy to the rear bedroom and garden area.

No concerns were however raised in relation to the conservatory. The conservatory is very similar to No 4's in siting, size and design, and its presence results in a mutual relationship to be present between the two properties and their occupiers. Views afforded from each conservatory allow an equal element of overlooking between them and the rear garden areas. The conservatory as submitted is not therefore considered to have an unduly adverse impact upon the living conditions of No 4 Colins Walk. The conservatory is also noted to be located to the side elevation of No 6 Colins Walk which has two secondary windows and a door in this elevation. This property also has a garden sloping

down from the main dwelling but both properties have a substantial outbuilding running along their shared boundary. The dwellings are also separated by a distance of approximately 7.5 metres, with their driveways/off street car parking areas running between. Consequently, views into the side windows/door of No 6 are already afforded via the existing driveway and views out of No 5s conservatory into these side windows not considered to be harmful. Views from the conservatory over No 6's private garden area are also limited due to the existing outbuildings providing screening and the driveways providing separation. The conservatory as submitted is not therefore considered to be harmful to the overall living conditions of No 6 Colins Walk and no objections or concerns have been received in this regard. Other neighbouring properties located to the rear of the site are noted to be sited approximately 20 metres away from their rear boundaries and over 40 metres away from the dwellings. Consequently these properties are not adversely impacted by the conservatory. The conservatory is not therefore considered to have an unduly adverse impact on the overall living conditions of the neighbouring occupiers.

The Local Planning Authority did however have concerns about the steps and raised platform as constructed having a harmful impact due to its close proximity to the boundary and loss of privacy through the ability to look directly over the fence and into the bedroom window of No 4. Consequently, contact was made with the agent and the opportunity given for a revised scheme to be submitted to try and overcome the concerns. The amended proposals now see the relocation of the steps serving the platform and the provision of a 1.8 metre glazed screen located on the side boundary separating the raised platform with No 4.

Following the amendments, concerns continue to be raised by the owner and occupiers of No 4 Colins Walk in relation to the platform still allowing overlooking of their garden area and the screen being dominant and unsightly, as well as loss of light to the window and restricting views from it.

The proposals have since been amended again to extend the length of the glazed screen. It now runs the full length of the platform along the shared boundary with No 4. No further consultation has however been undertaken in relation to this amendment due to it offering further screening to mitigate overlooking concerns which had already been raised.

In terms of the amended proposals, the relocation of the steps clearly results in them being further away from the shared boundary and the neighbouring bedroom window; and removes direct views being afforded into it when accessing the platform. The presence of the screen also provides screening between the steps and the raised platform to a level which is common place between two residential properties. Consequently, its presence and the outlook from the neighbouring bedroom window/conservatory are not considered to be unduly harmful. In terms of the presence of the screen when being viewed from the neighbouring garden area, which is on lower ground; It is recognised that its presence will be more prominent than what currently exists. However, the small area immediately underneath the bedroom window will be mainly impacted and the boundary treatment will be no more prominent than the raised conservatory within their garden area. Consideration is also given to what extensions/outbuildings could be erected or boundary treatments planted close to this boundary without needing planning permission. The provision of the glazed screen is consequently not considered to result in undue adverse impacts to the overall enjoyment of the garden area through dominance or enclosure.

In terms of loss of light and overshadowing the provision of a 1.8 boundary treatment between properties is common place and although the ground levels fall away under the bedroom windows, the relationship between the fence and windows is the same as what would be commonly seen. The amended plans also outline the impact the development will have in terms of loss of light, showing the 45 degree angle (note the 45 degree rule is not part of planning policy – but may give an indication as to whether loss of light may be an issue). An obscurely glazed screen has also been proposed to try and reduce impact to light levels to the bedroom and garden below. Although the drawings do show that the glazed screen does encroach slightly into the 45 degree angle, the development is not considered to lead to a significant changes in light levels throughout the day or evening, with light still passing through the screen due to its opaque finish. Consequently the proposed screen/boundary treatment would not be expected to have a harmful impact through loss of light or overshadowing into the bedroom or garden area below.

In terms of overlooking from the platform into the garden area of No 4, it is noted that this will still be the case. Although views afforded directly to the garden below and the bedroom window will now be screened. It is nevertheless noted that similar views of No 4's garden area are already afforded through the neighbouring conservatory and bedroom window. This is nevertheless also the case for No 5s garden area being afforded views from No 4's conservatory and bedroom window also. It is therefore concluded that overlooking between the rear of the properties and garden areas are already present and the raised platform does not introduce overlooking which is significantly different from what is already present and experienced. This is the case with other neighbouring properties to.

Having carefully considered the neighbour's concerns, the amended proposals overall are not considered likely to have an undue adverse impact upon the living conditions of the occupiers of the neighbouring dwellings. Consequently with a condition securing the implementation of the amended scheme within a 3 month period and the retention of the screen thereafter, the amended development is considered to be in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

*Does the proposal adversely impact any existing natural or historic features?*

No.

**Other considerations:**

*Does the proposal enable an adequate amount of private garden space to remain?*

Yes.

*Does the proposal enable an adequate level of off street parking to remain?*

Yes.

**Safeguarding of Mineral Resource – Policy 11 of the Minerals and Waste Core Strategy and Development Management Policies :**

Policy M11 sets out exemptions and includes householder development.

*Land ownership and boundary disputes.*

The owner of No 4 Colins Walk has noted in his response that the raised platform and boundary treatment encroaches on to land in his ownership. A report undertaken by a third party has also been submitted. Although boundary disputes are not a material consideration the Local Planning Authority needs to be sure that the correct certificate has been submitted with the application, prior to its determination. The agent has responded to an e-mail sent on 19/08/2021 and declared that the development is on land owned by the applicant and consequently Certificate A has correctly been completed and submitted with the application. The Local Planning Authority has therefore accepted and

determined the application with the submission of Certificate A.

**Conclusion and reasons for decision:**

The proposal has been assessed against policies LP1, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and M11 of the Minerals Core strategy as well as Policy D5 of the Neighbourhood Plan and draft policies of the Central Lincolnshire Local Plan Consultation and all other material consideration, including guidance within the NPPF.

As a result of this assessment the amended proposal subject to conditions is not considered to be harmfully out of character to the semi-detached bungalows or the surrounding area. Nor, following amendments, are the proposals considered to result in impacts which are unduly harmful to the residential amenity of neighbouring properties. The proposals are therefore considered to be in accordance with the Design and Amenity provisions set out in the above named policies. Grant of permission is therefore recommended subject to the following conditions:

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

See condition 1 below.

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

None

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

1. The development hereby permitted shall be completed within 3 months of the date of this permission and the existing steps serving the raised platform removed and demolished.

Reason: To confirm with Section 91 of the Town and Country Planning Act 1990 (as amended) and to safeguard the residential amenity of the attached neighbouring bungalow in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 237-151-03 received 23 August 2021. 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 Policy LP1 and 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:**

3. The 1.8 metre high timber frame screen with opaque glazing/panel and steps to be installed in accordance with conditions 1 and 2 above shall be retained and maintained in perpetuity thereafter for the lifetime of the raised platform.

Reason: To safeguard the amenity of the neighbouring property in accordance with Policy LP26 of the Central Lincolnshire Local Plan and guidance within the NPPF.

**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.

Decision Level: Committee following a site visit.



Planning Committee

Date: 6th October 2021

**Subject: Objection to Tree Preservation Order Somerby No1 2021**

Report by:

Chief Executive

Contact Officer:

Carol Slingsby  
Trees and Landscape Officer  
01427 676650  
[Carol.slingsby@west-lindsey.gov.uk](mailto:Carol.slingsby@west-lindsey.gov.uk)

Purpose / Summary:

This report relates to objections received against the making of a Tree Preservation Order which currently protects two woodland tree belts, to the westerly side of St Margaret's Church and alongside the road to the north of the church, Somerby.

**RECOMMENDATION(S):** That Members, notwithstanding the objections made by the owner and other village residents, approve the confirmation of the Tree Preservation Order Somerby No1 2021.

## IMPLICATIONS

**Legal: None**

(N.B.) Where there are legal implications the report **MUST** be seen by the MO

**Financial : FIN/91/22/SSc**

There are no financial implications arising from this report

**Staffing : None**

(N.B.) Where there are staffing implications the report **MUST** have a HR Ref

**Equality and Diversity including Human Rights** : The process for making and confirming Tree Preservation Orders is set out in primary legislation and government guidance. Therefore, if all decisions are made in accordance with those statutory requirements and guidance and are taken after having full regard to all the facts, no identified breach to the Human Rights Act 1998 should arise as a result of this report.

**Data Protection Implications : None**

**Climate Related Risks and Opportunities: None**

**Section 17 Crime and Disorder Considerations: None**

**Health Implications: None**

**Title and Location of any Background Papers used in the preparation of this report :**

PPG (Planning Practice Guidance) - <https://www.gov.uk/guidance/tree-preservation-orders-and-trees-in-conservation-areas> explaining the legislation governing the making of TPO's.

The Town & Country Planning Act, Part VIII, Chapter I, sections 197 & 198 – the duty to make provisions for protecting trees  
<http://www.legislation.gov.uk/ukpga/1990/8/part/VIII/chapter/I>

The NPPF and Planning Practice Guidance  
[National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

**Risk Assessment : Not necessary**

**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**

## 1 Introduction

- 1.1.1 Tree Preservation Order Somerby No1 2021 was made on 14<sup>th</sup> May 2021 to protect two small woodlands, one of which is adjacent St Margaret's Church, Somerby, and the 2<sup>nd</sup> is alongside the village access road to the north of the church. Being 'woodland' designations (W1 & W2), the TPO protects all trees and anything capable of growing into a tree, which includes tree saplings and small seedlings.

**SEE APPENDIX A**

- 1.2 The TPO was made following a concerned local resident contacting the council about trees being cut down and the loss of hedges, shrubs and plants in the woodland understorey during Feb/March 2021. Prior to the TPO being made, a site visit was carried out on 02/03/2021 to investigate reports of significant tree felling, during which, photographs were taken of various piles of recently felled tree stems and stumps. In particular, there was an extensive line of tree stems along the NE edge of tree belt W2. This was in addition to previous tree felling in 2019 which had also raised concerns at that time.
- 1.3 Correspondence was undertaken in March 2021 with the Forestry Commission's (FC) Woodland Officer regarding the tree felling. A felling licence had been issued by the FC, but their Woodland Officer had also received reports regarding the tree felling work, and he visited the site to see what had taken place. This raised his concerns about the amount of tree felling carried out, and that the limits of the felling licence had been exceeded. He explained he was waiting to see if any more work would be done before deciding whether to take enforcement action. Prior to the 2021 tree removals, the FC Woodland Officer had previously issued a 'stop notice' in October 2019 when unauthorised tree felling was occurring in these areas. The FC Woodland Officer was in full support of a TPO being made.
- 1.4 An email was received in June 2021 from the same village resident who originally brought the tree felling and ground clearances in 2019 and early 2021 to the Council's attention. The email points out further ground clearance and tree damage were taking place after the TPO had been made and served. However, other than 2 photos supplied with the email appearing to show one young tree snapped off and laying on the ground and an ash sapling or branch laying on the ground, we have no other evidence to support this claim.
- 1.5 Correspondence with the church warden, members of the Lincoln Diocese, and a business who manages Church land/properties, to clarify land ownership was inconclusive, as different people had different opinions on boundary position and whether or not Church owned trees had been affected. This resulted in a Land Registry check which clarified ownership boundaries at that time. It was realised that trees had also been cut down on land in the Diocese's ownership according to Land Registry records.

- 1.6 Objections to the making of the TPO have been received from the local owner of the land (excluding land owned by the Church), and two other village residents. Comments were also received from another village resident which appear to be an objection but he confirmed they are just comments. Correspondence was also received from a representative of the Church who was grateful to receive the TPO. **SEE APPENDIX B**
- 1.7 The trees contribute to the setting of the grade 2\* Listed Building, St Margaret's Church. The trees add feature and character along the public road which has the popular Viking Way footpath running along it between the two areas of woodland, and the area is designated an AGLV (Area of Great Landscape Value) of which these woodlands are an integral part. These woodlands and the immediately adjacent fields were once designated as SNCI's (Site of Nature Conservation Interest), but these no longer meet the criteria and were undesignated several years ago. W2 is a continuation of a woodland belt already protected by a TPO since 1981, with another tree belt up to Bigby TPO'd since 1968. **SEE APPENDIX C**

## **2 Discussion**

- 2.1 The submitted objections and comments generally contain the same points, and the main theme of the objections/comments are that the wooded areas had been neglected for many years and had become overgrown until the current owner bought them. The owner has spent time and money having a detailed survey carried out and a woodland management plan created. His intentions are to improve the woodlands and their wildlife value. The woodland survey points out the understorey is dense in areas, sycamore is taking over, and work is needed to improve woodland structure, public and highway safety, make space for new planting and natural regeneration. One objector says some falling down or rotten trees have been removed, but most have been left untouched. The owner says trees felled in the churchyard were either dangerous &/or diseased and were a significant danger to passing people. Another objector says the woodland management plan, which has not been supplied to or seen by the Council, is very strong on preservation and enhancement of wildlife habitats and it discusses how to improve habitats, creating a balanced overall structure, a sustainable shrub layer, and having a buffered edge, etc... The objections point out that work has been done to thin the woods, clear the edges bordering the road to take the woodland edge further back from the road, and that work has been done in accordance with the arborist's recommendations. They also say the TPO is inappropriate and unnecessary because of the presence of a woodland management plan. A TPO should only be made if it is expedient i.e. are the trees are under good management or not?
- 2.2 In response to these comments, the woodland areas have been virtually cleared of young trees and saplings, reducing the age diversity of the woods. I assume some replanting will take place if a woodland management plan is to be followed, as a programme of replanting

should provide the age diversity required for a healthy woodland structure. The objections say the woodlands are to have a sustainable shrub layer and have wildlife habitats preserved and enhanced, yet much of the understory has been cleared or flattened, to the detriment of the shrub layer and habitats, and is more significant than just thinning out or creating some clear areas for rides and glades. The roadside vegetation was dense like a hedge and comprised of a mix of species rich in biodiversity value, yet the work done has cleared all this away and moved the woodland edge further back from the road. I understand this vegetation grew into the road requiring regular cutting back, but the road verge is now comprised of lawn and post and rail fencing with very little else to provide biodiversity value or wildlife habitat. Some new planting of laurel has taken place along the top of a re-sculpted verge to the southeast of W2 in an area not included in the TPO. Laurel is non-native, low in biodiversity value, and is totally out of character for the area. It will grow large and bushy requiring cutting back from the road, and being evergreen it will cast shade over the road along its northerly side, which, in winter is likely to create a frost pocket with ice lingering on the road along the hedge's shadow. The steps through W1 up to the church have had various shrubs such as Photinia planted around the lower area of the woods. These are also non-native, out of character with the woodland and surrounding landscape, and have low biodiversity value. I find it hard to believe that a woodland management plan for restoring the woods and improving wildlife value would recommend any of these actions.

- 2.3 One objector describes how the woodland is important to the area but a TPO should not be made because tree felling is only permissible through a felling licence, and he believes a felling licence is only issued if a woodland management plan is agreed with the FC. He believes the woodland has been protected by a felling licence previously and will continue to be so, so he does not understand why a TPO has been considered necessary. I would like to clarify that a TPO does not replace the need for a felling licence, but is just an extra layer of tree protection. Ideally, the Council would like to leave woodland management in the hands of the FC, however, without a TPO in place the woodland owner could legally cut down 5 cubic meters of timber every 3 months, which could gradually eat away at the trees if carried out. Even with a TPO on the trees, any intended tree felling would still need to go through the felling licence application process, and a TPO would mean the Council would be consulted on any felling licence application. It would still be the FC who decides if the proposed felling is appropriate or not, and issue a felling licence. The TPO would protect the 5 cubic meters of trees that would otherwise be allowed to be felled every 3 months under the Forestry Act, and provide additional enforcement if needed. Recent years have already shown us that unauthorised tree felling (without a felling licence) was undertaken in 2019 until the FC issued a 'stop notice'. The FC's Woodland Officer informed me in March 2021 that the limits of a felling licence had been exceeded and he was on the verge of carrying out enforcement action. An additional email received in June 2021 detailing activities within the

woodlands after the TPO was made included alleged tree damage and knocking over some trees. From this information, I do not think we should rely on the rules of a felling licence being adhered to and to adequately protect the future of these trees without the added protection of a TPO

- 2.4 A woodland should ideally be a self-regenerating entity. Sycamore do prolifically seed and can become a dominant species, but a woodland management plan that includes control of sycamore regeneration would be looked upon favourably. Indiscriminate and mass ground clearance of woodland understory plants and shrubs, including regeneration of other tree species present, such as beech, oak, yew, is inappropriate and is one of the actions that a TPO should be able to restrict.
- 2.5 The submitted objections/comments also describe other work around the village saying the owner of the woodland has vastly improved the village. Work recently carried out involves upgrading the road, the addition of lay-bys, clearing roadside vegetation, re-sculpting verges, erecting post & rail fencing, adding CCTV along the road, installing new metal estate -style fencing, restoring the Listed monument, and carried out work to divert water running through the woodland and the village from an aquifer, as the water was a hazard in freezing weather. They hope the creation of a TPO will not dissuade the benefactor of the village from finishing the improvement works, and so consider the TPO should be removed.
- 2.6 The new TPO should protect the trees from any inappropriate tree work that is harmful to the future of the trees and the amenity they provide to the area. The TPO will have no bearing on any other, non-tree related works such as fencing, road or drainage improvements, building repairs etc... A woodland management plan covering 3, 5 or 10 years of management actions could be submitted with a tree application, and providing the proposed work is appropriate, has good reason, and would cause minimal harm to the amenity of the area, then the proposed work is likely to gain consent. Tree applications are not subject to a fee and take up to 8 weeks to process.

### **3 Conclusion**

- 3.1 The two wooded areas are significant features within the village and surrounding area, and provide sylvan character and amenity within the locality. Unauthorised tree felling and ground clearance took place during 2019 and 2021 prompting an amenity assessment for a TPO. Protecting these trees should prevent any inappropriate tree work, but should not be an obstacle to good management and appropriate tree works. A TPO should have no bearing on other works around the village providing they have no negative impact on the protected trees. The confirmation of this order is the only way to ensure the future of the

two wooded areas, and the amenity they provide is not diminished by unnecessary tree removal.

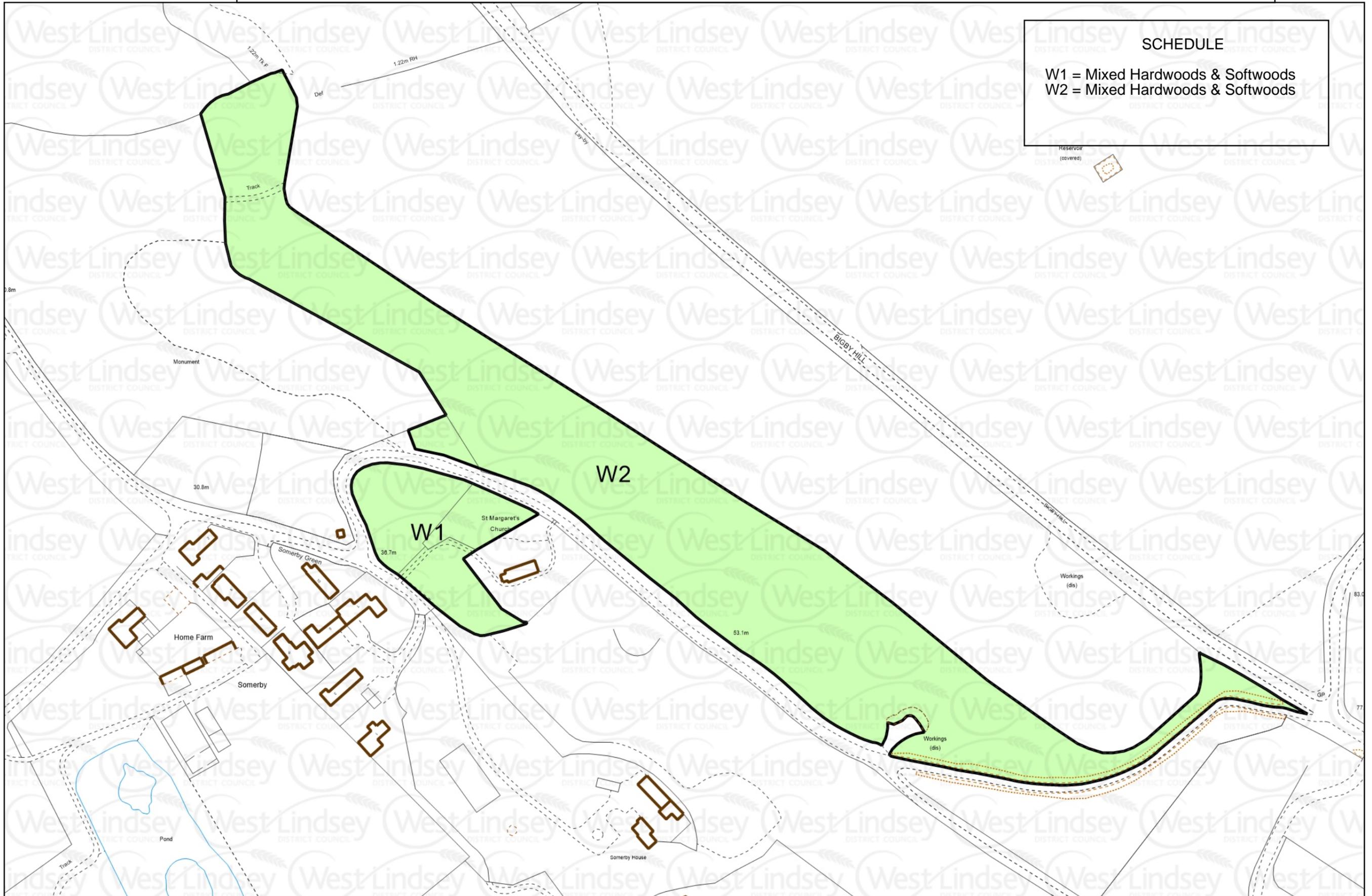


LOCATION: Land adjacent and north of St Margarets Church, Somerby, DN38 6EX Sudbrooke  
GRID REF: 50628, 40665

1:2000 at A3

**SCHEDULE**

W1 = Mixed Hardwoods & Softwoods  
W2 = Mixed Hardwoods & Softwoods



### Summary of submitted objections, comments, & support

#### Comments from local resident 1

1. Lived in the village for many years and virtually no maintenance has occurred of the wooded areas or the general road infrastructure, although the council does cut the verges.
2. A local resident (owner of the wooded areas) has spent a fortune improving the area. Improvements to date are:
  - a. Adding passing places along the village access road from the NE,
  - b. Clearing overhanging bushes and vegetation which were reducing the width of the road and visibility along the road, which is also the Viking Way.
  - c. Verges sculpted and post & rail fence installed along the northern road edge.
  - d. CCTV was installed along the road to prevent fly-tippers.
  - e. W1 was full of undergrowth and bracken which has now been cleared, and believes a footpath is to be made through the W1 for disabled church access
  - f. W2 has been cleaned up close to the road to improve visibility and generally enhance the area. The rest of the woods is untouched.
  - g. The monument field has been cleared of bushes and bracken. There are no trees felled here. The Listed monument has been cleaned and restored.
  - h. A new steel 'estate' type fence has been installed along the roadside of the monument field, with gates.

#### *Future improvements:*

3. He believes new land drains will be installed in the monument field to prevent spring water seeping onto the road in winter which causes a slip/skid hazard, and the field will be re-sown with grasses and wild flowers.
4. The grounds of St Margaret's Church are to be renovated.
5. The improvements to the village are immeasurably better, making the village a delightful place to live.
6. The council has saved huge sums of money in road maintenance.
7. Although some trees have been removed as they were either falling down or rotten, most have been left untouched. An arborist was consulted to advise the contractors and keep within regulations.
8. Believes the TPO was brought about erroneously by one person in the village.
9. Hopes the TPO will not dissuade the benefactor from finishing the village work.
10. Whilst he considers the council officer's observations are valid and also thinks the laurels planted along the roadside are inappropriate, his view is purely for the aesthetics of the village and overall improvements of their surroundings.

#### Objection from local resident 2

11. A volunteer secretary to the Parish Meeting, but his comments are made as a resident and have no connection with the Parish Meeting. His objection is based on what he believes are the landowners plans and intentions for the woods, how he views the activity to date, and what he understands to be the regulatory framework/legislation regarding woodland management.

12. Considers the TPO to be unnecessary and inappropriate, because he is aware that shortly after the current land owner bought the woodlands, he commissioned an arboricultural consultancy company to carry out a detailed survey, and this objector was impressed with the survey results and improvement proposals. The survey confirmed the woodland had previously not undergone any significant management, allowing the understory to become dense in areas, and sycamore became dominant.
13. The report covers the sustainable regeneration of the woodland, including provisions for public and highway safety, improving woodland structure, making space for new planting, creating space for light and natural regeneration, and restocking with indigenous species such as beech, English oak, Scots pine, yew, whitebeam, and wild service tree. The report points out that considerable work to thin and clear is needed to allow these improvements, whilst leaving other areas in the woods undisturbed.
14. The woodland management plan is very strong on preservation and enhancement of wildlife habitats, and the proposals are a good match with a 2005 RSPB publication for woodland management and enhancing woodland bird species by including;
  - a. A balanced overall structure
  - b. A sustainable shrub layer
  - c. Rides, glades and other open spaces
  - d. Retention of dead and rotting wood
  - e. A buffered woodland edge,all of which feature throughout the consultant's report.
15. The existence of the woodland management plan reduces the expedient reasons for making a TPO, and the plan is the most effective and appropriate way of safeguarding the woods, by allowing it to be improved.
16. Agrees that many trees have been removed over the last couple of years, significantly thinning the woodlands and altering their appearance and character. He welcomes the change rather than seeing it as a cause for concern. The majority of the felling and removal has been along the woodland edge against the road. The understory in particular had grown to extend over the road, and included dead and live trees leaning towards the road, pressing on other trees and bushes forcing them out into the road. This caused the road to become narrow and had a negative impact on road users and safety. LCC highway maintenance team flailed back the edges in Jan 2019. This would have required repeat visits if it were not for the landowner taking the woodland boundary further back up the slope away from the road, and considered the outcome to be a visual improvement and safer for the road. He doubts the removal of several trees and undergrowth along the roadside woodland edge has had a lasting and negative impact on wildlife habitat.
17. Creating space has allowed the metalled road surface to be restored to its original width. Passing places have been developed to highway specifications at the land owner's expense in consultation with LCC. WLDC road cleansing cycle is more effective. The appearance of the road and Viking Way is now to a higher standard.

18. Drainage has been improved - that area had received prolonged flows of water from an aquifer above Somerby. The water would come in channels down through the woods, under the road, and into a catchment pool within the woods W1 to the side of the church. Accumulated water would overflow into the lane south of the church and run along the road causing a hazard in freezing weather. The landowner investigated and instigated remedial measures higher up the slope to collect and divert the water westwards onto grassland.
19. Considers the changes around the village to have generated a range of benefits that significantly outweigh the loss of the trees. He strongly believed the trees should be protected, as it is the only significant group of trees on this part of the Wolds between Barnetby and Caistor, if not beyond, and it would be a tragedy if the woodland was lost. His understanding is that a felling licence would only be granted with some form of woodland management plan in place, and that tree felling is only permissible through a felling licence granted by the Forestry Commission (FC). Somerby woodland has been protected by felling licences previously, and will presumably continue to be so, and he expects the recent work has been carried out with a felling licence in force, so does not understand why a TPO has now been considered necessary.
20. He assumes the TPO may only be temporary to call a halt to the felling work if the Council believes there has been a problem with the felling work under the felling licence. If the TPO is made permanent after the initial 6 months, it would begin to undermine the felling licence regime. Only one set of regulations should be sufficient. The management of the woodland would be more appropriately governed through the felling licence regime. The TPO should be lifted.

#### Objection from local resident 3

21. Very disappointed to see a TPO has been implemented.
22. Since the current owner purchased the land, he has improved the look of Somerby, whereas it was previously overgrown and neglected.
23. The work done so far to the trees next to the church and up the cutting has removed dangerous and dead trees.
24. The road is a lot safer, including the 4 x lay-bys.
25. Everything is a vast improvement, including the fencing, railings and restoring the monument.

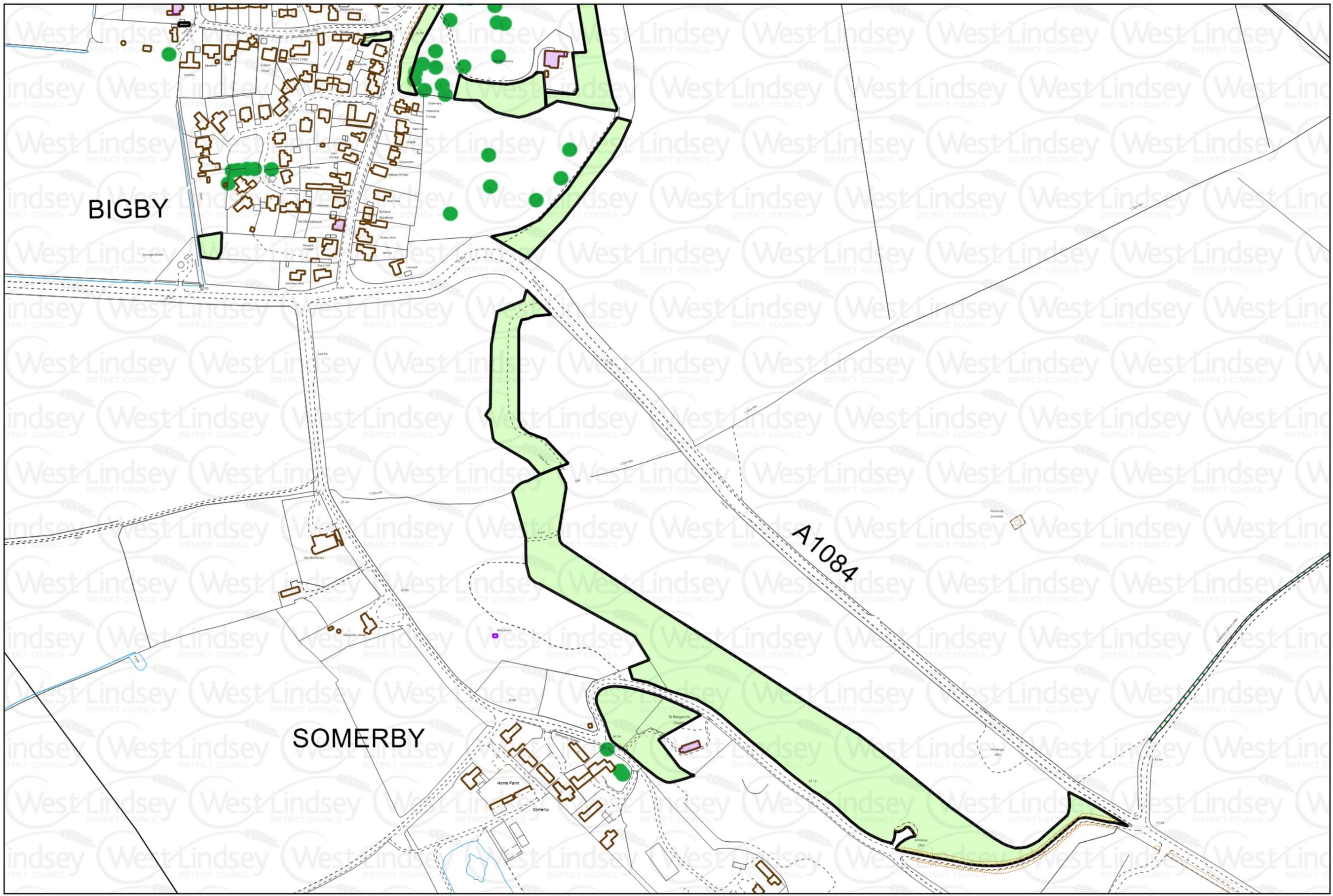
#### Objection from land/tree owner

26. He has requested on 2 occasions for a TPO to be made on the 250 year old trees within the grounds of Somerby Hall. In both instances he was refused as an Order was not deemed appropriate. This included a 250 year old Mulberry which was maliciously cut in half by a villager.
27. He has spent over £40,000 of his own money improving the village by incorporating passing places, improving drainage, upgrading the road which was dangerous and had previously had a number of large trees fallen in the past 5 years, and refurbishing the monument.

28. Trees felled in the churchyard were either dangerous and/or diseased and were a significant danger to all who passed.
29. The grounds were poor and trees were not growing due to the density of trees less than 100 years old.
30. Work was done in accordance with the recommendations of his appointed arboriculturist who provided 3 reports.
31. Believes he has received very complimentary support from most villagers
32. All work has been appropriate and to the benefit of the village and more importantly the forests/trees.
33. Recently presented the church warden and vicar loans to overhaul the church trees to provide facilities and a designated treating area for the benefit of all, in particular disabled individuals with no church access. Will incorporate parking and access to the church. Contributed money to help maintain and run the church.
34. Feels the council has misjudged the situation.

Support from Lee Bolton Monier-Williams LLP

35. He is indebted to the Council (for the making and serving of the TPO)









Planning Committee

6 October 2021

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

Ele Snow  
Democratic and Civic Officer  
[ele.snow@west-lindsey.gov.uk](mailto:ele.snow@west-lindsey.gov.uk)

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 & Mrs M & A Drury against the decision of West Lindsey District Council to refuse planning permission for outline planning permission to erect a single dwelling (all matters reserved for subsequent approval) at the land off Atterby Lane, Atterby, Market Rasen, LN8 2BT

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

**Officer Decision** – Refuse

- ii) Appeal by Ms A Oliver against the decision of West Lindsey District Council to refuse planning permission for outline planning application for 1no. single storey dwelling with access to be determined and all other matters reserve at 56 Saxilby Road, Sturton by Stow, Lincoln LN1 2AB.

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

**Officer Decision** – Refuse

**Committee Decision** – Refuse

- iii) Appeal by Mr Sath Vaddaram of Sath Vaddaram Ltd against the decision of West Lindsey District Council to refuse planning permission for the removal of existing dwelling and erection of 1no. dwelling house with associated access alterations, vehicle parking and landscaping at Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU

**Appeal Dismissed** – See copy letter attached as Appendix Biii.

**Officer Decision** – Grant

**Committee Decision** – Refuse

**Costs Decision** – Dismissed – see costs letter attached as Appendix Biiia.

- iv) Appeal by Mrs Foster against the decision of West Lindsey District Council to refuse planning permission to erect 1no. dwelling with associated garaging and landscaping at the land to rear of 8 Sudbeck Lane, Welton, Lincoln LN2 3JF

**Appeal Dismissed** – See copy letter attached as Appendix Biv.

**Officer Decision** – Refuse

- v) Appeal by Mr R Hammond (Hammond Farms) against the decision of West Lindsey District Council to refuse planning permission for prior approval for change of use from agricultural building to dwellinghouse at Bunkers Hill Farm, Bunkers Hill, Laughton, Gainsborough DN21 3EE

**Appeal Dismissed** – See copy letter attached as Appendix Bv.



## Appeal Decision

Site Visit made on 24 August 2021

by **S Dean MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 09 September 2021**

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**Appeal Ref: APP/N2535/W/21/3273541**

**Land off Atterby Lane, Atterby, Market Rasen, LN8 2BT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr & Mrs M & A Drury against the decision of West Lindsey District Council.
  - The application Ref 142335, dated 15 January 2021, was refused by notice dated 17 March 2021.
  - The development proposed is "outline planning permission to erect a single dwelling (all matters reserved for subsequent approval)."
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matter

2. The application has been made in outline with all matters reserved.

### Main Issues

3. The main issues are
  - whether the appeal site is a suitable location for the proposal having regard to the development plan,
  - the effect of the proposal on the character and appearance of the area, and
  - the effect of the proposal on the mineral safeguarding area.

### Reasons

#### *Site location*

4. Adopted in 2017, the Central Lincolnshire Local Plan 2017 (the Local Plan) seeks to guide the growth and regeneration of the area from 2012 until 2036. Policy LP2 sets the spatial strategy and settlement hierarchy for the area, allowing single dwelling infill developments in appropriate locations within hamlets.
5. For the purposes of the Local Plan, a hamlet must have had at least 15 units by the base date of April 2012, when Atterby had 12 units. As such, it does not meet the Policy LP2 definition of a hamlet. It is not therefore a location in which residential development is supported in principle, and the proposal does not fall within one of the allowable exceptions within the countryside.

6. I note the criticisms from the appellant that the base date was before the adoption of the Local Plan, the length of time the plan covers and growth which has taken place in Atterby since that base date. However, none of these issues, including the passage of time and subsequent changes, are novel to this appeal or this time. It is not the role of this appeal to re-examine the Local Plan process or reconsider the status of the settlement in the spatial and growth strategy set out in the Local Plan. There is nothing before me to suggest that issues of settlement growth and change over time were not sufficiently considered at the time the plan was written, examined and subsequently adopted, such that the approach in the adopted Local Plan is no longer appropriate or which would allow me to set aside the spatial strategy in this instance.
7. In reaching this conclusion, I also note the conclusions of the Inspector at a previous appeal on this site (Appeal Reference APP/N2535/W/20/3245255), when the site was a draft allocation for a single dwelling in the emerging Neighbourhood Plan, and the subsequent conclusions of the Independent Examiner of that plan. That Independent Examiner deleted the draft allocation on the basis that the wording of Policy LP2 was unambiguous, does not allow for changes to the status of settlements in the Local Plan and that settlement hierarchy was a strategic matter, reserved for the local plan process. I agree with these conclusions.
8. As such, the proposal does not accord with the spatial strategy and settlement hierarchy of the Local Plan as set out in Policy LP2.
9. I have considered whether there are material considerations which are of such weight to indicate that a decision be taken other than in accordance with the development plan in this instance.
10. I note the argument of both the appellant and contributing third parties that the site relates more to the built form of Atterby than the open countryside, being between existing dwellings and the telephone exchange. I also note the conclusions on this point by the previous Inspector. These are material considerations which could weigh in favour of the proposal. However, I do not find that these are sufficient to outweigh the conflict I have found with the development plan, particularly the spatial strategy and settlement hierarchy which are central to it, and revisions to which are properly reserved for the local plan making process.
11. As such, I find that there are no material considerations of such weight to indicate that a conclusion on this issue be reached, other than in accordance with the development plan.

*Character and appearance*

12. I note the conclusions of the previous Inspector concerning character and appearance. Like them, I accept that all development will have a visual impact, and the appeal proposal is likely to be visible. However, I consider that as the proposal is in outline, it would be possible for the Council to control the scale, appearance, design, character and appearance of a dwelling on the site, through future reserved matter applications, such that the impact would be acceptable. Given the reduction in scale between this proposal and that before the previous Inspector, I do not share their concerns over the potential of the site to accommodate the development proposed in this case.

13. I therefore find that the proposal would not cause harm to the character and appearance of the area and could comply with Policies LP17 and LP26 of the Local Plan, which seek to ensure development is appropriate for the area around it.

*Minerals safeguarding*

14. Policy M11 of the Lincolnshire Minerals and Waste Local Plan (Core Strategy and Development Management Policies) 2016 (the MWLP) requires a Minerals Assessment for non-minerals development in a minerals safeguarding area, with exceptions for certain development types. I acknowledge the case of the appellant, that the previous Inspector determined that the site related more to the settlement, and as such is therefore unsuitable for minerals extraction. I also acknowledge that the location of the site, between a telephone exchange and other dwellings adds to this. However, the proposal does not fall within the exemptions set out in the policy, nor do I consider that the limited information before me wholly satisfies the criteria for non-minerals development in this area.
15. As such, without a Minerals Assessment, I find that there is insufficient evidence before me to ascertain the impact of the proposal on the mineral safeguarding area. It would therefore conflict with Policy M11 of the MWLP, and I do not find that there are any material considerations, including the conclusions of the previous Inspector, which are of sufficient weight for me to reach a conclusion on this matter other than in accordance with the MWLP.

**Conclusion**

16. For the reasons given above I conclude that although the proposal would not harm the character and appearance of the area, the conflicts with the development plan in relation to the spatial strategy, settlement hierarchy and minerals safeguarding requirements are significant. There are no material considerations of such weight to indicate that a decision be taken other than in accordance with it.
17. The appeal should therefore be dismissed.

*S Dean*

INSPECTOR



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## Appeal Decision

Site visit made on 23 August 2021

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2021**

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**Appeal Ref: APP/N2535/W/21/3276001**

**56 Saxilby Road, Sturton by Stow, Lincoln LN1 2AB**

- 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 Ms A Oliver against the decision of West Lindsey District Council.
  - The application Ref 141447, dated 31 July 2020, was refused by notice dated 9 December 2020.
  - The development proposed is outline planning application for 1no. single storey dwelling with access to be determined and all other matters reserved.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appeal proposal has been submitted in outline, with only access to be determined at this stage as required by the Council during the planning application process. I have determined this appeal on that basis, treating the possible proposed site plan as indicative.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Both main parties have had the opportunity to comment on any relevant implications for this appeal.

### Main Issue

4. The main issue is flood risk.

### Reasons

5. The appeal site is within Flood Zone 1, which represents a low probability of flooding from river or sea flooding. However, the Council has provided an extract from the Environment Agency's Flood Map for Planning which indicates that the site is at high risk from surface water flooding.
6. The Framework seeks to ensure that inappropriate development in areas at risk of flooding should be avoided, which includes all sources of flooding such as from surface water. Paragraph 162 of the Framework sets out that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

7. I have had regard to the Flood Risk Assessment and Flood Risk Statement<sup>1</sup> (FRS). However, neither of these demonstrate that the site is not at risk of flooding, and the site levels in the FRS taken from LIDAR data indicate that the site is located in an area of surface water ponding.
8. Based on the evidence before me, the wider settlement is within Flood Zone 1 and is at low risk in respect of river and sea flooding, with only a limited area of the settlement at medium or high risk of surface water flooding. The proposal would therefore fail the sequential test as the evidence indicates that there are suitable sites at a lower risk of flooding within the wider settlement which could accommodate a single dwelling. Whilst a condition may be imposed in respect of surface water drainage, this would not negate the risk of surface water flooding affecting the appeal site and the application of the sequential test.
9. The FRS also indicates that the proposal could displace water which would increase flood depth by up to 20mm. Whilst the FRS submits that that figure is insignificant, and the appellant emphasises that the design of the dwelling may further reduce that figure, it has not been demonstrated that the proposal would not increase flood risk elsewhere. In any event, this would not negate my conclusions with regards to the sequential test.
10. The appellant questions the accuracy of the national mapping resource and whether it should be used on a site-specific basis. However, the Council refers to the suitability rating given by the Environment Agency for the surface water mapping which includes "Town to street". This indicates that the data is suitable for identifying which parts of this settlement are most at risk of flooding. More fundamentally, the evidence provided by the appellant does not disprove that the site is at risk from surface water flooding.
11. I am mindful that the Lead Local Flood Authority and the Environment Agency have not objected to the proposal. I have also had regard to the decisions on sites elsewhere referred to by the appellant, although I have not been provided with full details sufficient to determine if they represent a direct parallel to the appeal proposal, which I have determined on its own merits. These considerations do not lead me to a different conclusion on the matter of flood risk based on the submitted evidence as it applies to the appeal site.
12. In conclusion on the issue of flood risk, the proposal would fail the sequential test as required by the Framework. Consequently, the proposal would be contrary to policy LP14 of the Central Lincolnshire Local Plan 2016 which requires that development proposals will be considered against the Framework, including application of the sequential test. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR

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<sup>1</sup> Ref: RLC/0635/FRS/01 - 14/09/20



## Appeal Decision

Site visit made on 23 August 2021

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2021**

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**Appeal Ref: APP/N2535/W/21/3268181**

**Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU**

- 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 Sath Vaddaram of Sath Vaddaram Ltd against the decision of West Lindsey District Council.
  - The application Ref 141550, dated 21 August 2020, was refused by notice dated 15 October 2020.
  - The development proposed is removal of existing dwelling and erection of 1no. dwelling house with associated access alterations, vehicle parking and landscaping.
- 

### Decision

1. The appeal is allowed and planning permission is granted for removal of existing dwelling and erection of 1no. dwelling house with associated access alterations, vehicle parking and landscaping at Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU in accordance with the terms of the application, Ref 141550, dated 21 August 2020, subject to the conditions set out in the Schedule at the end of this decision.

### Application for Costs

2. An application for costs was made by Mr Sath Vaddaram of Sath Vaddaram Ltd against West Lindsey District Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Both main parties have had the opportunity to comment on any relevant implications for this appeal.
4. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

### Main Issue

5. The main issue is the effect on the living conditions of nearby residents with regards to noise and disturbance.

## Reasons

6. The appeal site is one of a small number of dwellings adjacent to this side of the A158. Due to the level of traffic on this road, noise levels to the front of the appeal site and nearby properties was intrusive at the time of my visit. However, whilst traffic noise was apparent in the rear garden of the appeal site, this area was relatively secluded and provided a private amenity space of significant benefit to residents of the property. This reflected the circumstances of the rear gardens of neighbouring dwellings.
7. The proposal includes a double garage and double car port with associated manoeuvring space within the rear garden of the site, which would be accessed via a drive and covered access adjacent to 28 Wragby Road. This would introduce vehicle movements into the rear garden of the appeal site which does not reflect the layout of nearby dwellings.
8. Due to the arrangement of the appeal site, noise from vehicle movements and associated activity in the rear garden would be apparent from the rear of neighbouring properties, particularly No 28. As well as noise, glare from car lights would also be apparent during the hours of darkness. Whilst boundary treatment may shield the direct beam from headlights, the indirect glare would still be visible.
9. The appellant has submitted a Noise Impact Assessment which concludes that car movements and associated voices would have no significant noise impact, although this related to the use of the property as a house in multiple occupation (HMO). However, due to the importance of the rear gardens as a secluded amenity area for neighbouring residents, a more subjective assessment is appropriate. This reflects the Planning Practice Guidance<sup>1</sup> which advises that the subjective nature of noise means that there is not a simple relationship between noise levels and the impact on those affected. This includes external amenity spaces, where the acoustic environment of those spaces should be considered so that they can be enjoyed as intended.
10. That said, the number and nature of traffic movements and other activities associated with a single dwelling would be unlikely to be of a degree that would lead to unacceptable harm to nearby residents. Even within a large household, residents are likely to share vehicles which would reduce the number of movements. Traffic arising from a single dwelling would also be unlikely to lead to significant issues in respect of fumes and pollution. Therefore, whilst vehicle movements and associated activity to the rear of the site would be apparent from neighbouring dwellings, I do not consider that this would be of a degree that would warrant the refusal of planning permission for this proposal.
11. Traffic movements to the front of the property would also be apparent from No 28. However, this reflects the current arrangement of the site and the traffic movements generated by a single household would not exacerbate this to an unacceptable degree.
12. I conclude that the proposal would not lead to unacceptable harm to the living conditions of nearby residents in respect of noise and disturbance. The proposal would therefore not conflict with the amenity considerations of policy

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<sup>1</sup> Paragraph: 006 Reference ID: 30-006-20190722

LP26 of the Central Lincolnshire Local Plan or policy 9 of the Sudbrooke Neighbourhood Plan.

### **Other Matters**

13. In respect of character and appearance, although the proposed dwelling is relatively large compared to the existing dwelling, it reflects the scale and arrangement of nearby dwellings. Even allowing for the proposed use of materials, given the variation in the designs of nearby dwellings and the extent of the site, I do not consider that the proposed dwelling would be an incongruous addition to the streetscape. I note the concerns raised locally in respect of the accuracy of the street elevations, but this does not lead me to a different conclusion based on my own observations.
14. The proposal also includes a large garage and car port to the rear. However, this would appear as a subordinate feature in relation to the dwelling and would not be unduly obtrusive in views along the rear of the dwellings. The garage and car port would also be set back from the boundary with No 28, which would mitigate effects in respect of light and an overbearing impact.
15. A side wall of the dwelling would be located in close proximity to 2 high level windows to the side of No 28, which the evidence suggests serve a dining room. However, the elevated position and limited size of these windows will already restrict the amount of light reaching that room, and any further reduction would be of a marginal degree which would not cause material harm to the living conditions of residents of No 28. A further high level window on a ground floor extension to No 28 would also be affected, but that room is served by patio windows on another elevation and would continue to receive adequate levels of natural light. There is a first floor bay window to the rear of No 28, and whilst the resident of that property considers that the proposal would breach the '45 degree' rule, due to the large size and orientation of this window I consider it would continue to provide an adequate degree of natural light and outlook.
16. Reference has been made to the use of the property as a HMO. However, the proposal is for the construction of a single dwelling house and I have considered this appeal on that basis. That said, I will return to this matter in my consideration of planning conditions.

### **Conditions**

17. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. As a result, I have amended some of the conditions for clarity.
18. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. A condition in respect of materials is appropriate in the interests of character and appearance. A condition in respect of foul and surface water drainage is required to ensure that the site is properly drained.
19. A condition in respect of an acoustic fence is required in the interests of the living conditions of neighbouring residents in respect of noise and disturbance. The appellant has challenged the necessity for this condition on the basis of comments of consultees and the lack of similar fencing on nearby properties.

However, the proposal would introduce traffic movements into the rear garden of the property. Given the proximity of the driveway and manoeuvring area to nearby dwellings and the potential for sleep disturbance from vehicle movements, as well as the importance of rear gardens as secluded amenity areas, I consider that the condition is reasonable and necessary.

20. The Council has requested that the property's permitted development rights are restricted so that it cannot be used for the purposes of Use Class C4<sup>2</sup>, which relates to use of a dwellinghouse by not more than six residents as a HMO. However, this restriction does not apply to the existing property or to neighbouring dwellings. I am mindful that the use of the property as a HMO may lead to traffic movements and activity of a different nature to a dwellinghouse. That said, given the lack of restriction for the existing and neighbouring dwellings, I do not consider that such a condition in respect of this proposal would be necessary or reasonable. Proposals for HMO's which do not fall within Class C4 would be considered on their own merits.

### **Conclusion**

21. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

*David Cross*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: WRA030-EL1 Rev 01; WRA030-PE1 Rev 01; WRA030-PE2 Rev 01; WRA030-PF1 Rev 01; WRA030-PF2 Rev 01; WRA030-PS1 Rev 01; and WRA030-PG1 Rev 01.
- 3) No development above foundation level shall take place until details of the means of foul and surface water drainage (including percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before occupation of the development.
- 4) The vehicular access (including vehicular access through the building), driveway, parking and turning space shown on drawing WRA030-PS1 Rev 01 shall be provided in full before occupation of the dwelling and shall be retained for such use in perpetuity.
- 5) The acoustic fence to the western boundary, the location of which is shown on drawing number WRA030-PS1 Rev 01, shall be installed prior to occupation of the development and shall be retained whilst the dwelling is in use.
- 6) Prior to their use in the development, details of the external finishing materials shall be submitted to and approved in writing by the Local

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<sup>2</sup> Of the Town and Country Planning Use Classes Order 1987 (as amended)

Planning Authority. Development shall proceed in accordance with the approved details.

**End of Schedule**



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## Costs Decision

Site visit made on 23 August 2021

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2021**

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### **Costs application in relation to Appeal Ref: APP/N2535/W/21/3268181 Rosemary Villa, 30 Wragby Road, Sudbrooke, Lincoln LN2 2QU**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Sath Vaddaram of Vaddaram Ltd for a full award of costs against West Lindsey District Council.
  - The appeal was against the refusal of planning permission for removal of existing dwelling and erection of 1no. dwelling house with associated access alterations, vehicle parking and landscaping.
- 

### **Decision**

1. The application for an award of costs is refused.

### **Reasons**

2. The Planning Practice Guidance advises that costs may only be awarded where a party has behaved unreasonably, and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The appellant submits that the Council has behaved unreasonably in refusing the application when an Inspector in respect of a previous appeal<sup>1</sup> had determined that all elements of the proposal were satisfactory.
4. That previous appeal related to a house in multiple occupation (HMO), and the Inspector had concluded that the noise and disturbance arising from the proposal would cause material harm to the residents of an adjacent property. In part, these concerns stemmed from vehicle movements associated with a proposed rear parking area.
5. In respect of the appeal before me, the Council's reason for refusal was based on issues related to noise and disturbance and did not refer to matters which the previous Inspector had considered were acceptable. The current appeal is for a single dwelling, which is a different form of use than the HMO considered previously. Nevertheless, the current appeal would also introduce traffic movements into an area of rear gardens which is an important secluded amenity area for residents.
6. I have had regard to the evidence provided by the appellant, including a Noise Impact Assessment. However, there is a subjective element to the consideration of noise and disturbance. I have disagreed with the Council in

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<sup>1</sup> Appeal Ref: APP/N2535/W/20/3245962

that I have concluded that the activities associated with a single dwelling would not warrant the refusal of planning permission. Nevertheless, considered objectively and in context, the Council's concerns on this matter are not so unjustified or without foundation as to represent unreasonable behaviour.

7. I therefore conclude that for the reasons set out above, unreasonable behaviour resulting in unnecessary or wasted expense during the appeal process has not been demonstrated. For this reason, and having regard to all other matters raised, an award for costs is not justified.

*David Cross*

INSPECTOR



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## Appeal Decision

Site visit made on 23 August 2021

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15 September 2021**

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**Appeal Ref: APP/N2535/W/21/3275033**

**Land to rear of 8 Sudbeck Lane, Welton, Lincoln LN2 3JF**

- 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 Mrs Foster against the decision of West Lindsey District Council.
  - The application Ref 142480, dated 16 February 2021, was refused by notice dated 28 April 2021.
  - The development proposed is erect 1no. dwelling with associated garaging and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. Both main parties have had the opportunity to comment on any relevant implications for this appeal.
3. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

### Main Issues

4. The main issues are the effect on:
  - Designated heritage assets; and
  - The living conditions of residents of 8 Sudbeck Lane with regards to privacy.

### Reasons

#### *Designated Heritage Assets*

5. The appeal site is located within the Welton Conservation Area (CA). The site is part of the large garden to the rear of the host dwelling, which in turn is located close to Sudbeck Lane.
6. The character of Sudbeck Lane is varied, with the area to the north consisting of a mixture of buildings including relatively modern dwellings and backland

development. The area to the south of the appeal site consists of a modern housing estate of a suburban character.

7. However, the appeal site is located in an area to the south of Sudbeck Lane which is of a distinct traditional character. The CA Appraisal includes the appeal site and the neighbouring properties of 12 Sudbeck Lane and Stonefaces as being the greatest concentration of 18th Century buildings in Welton. The CA Appraisal sets out that an important part of the village's character is the arrangement of sites with the house built right up against the road and facing onto the garden, with long gardens to the rear to maximise their potential for food production. The extensive gardens of the appeal site and neighbouring properties reflect this arrangement, even allowing for the set-back of No 8 from the highway. The traditional appearance and arrangement of the appeal site therefore contributes to the character and appearance of the CA and its importance as a designated heritage asset.
8. Within this context, the appeal proposal would appear as a backland development which detracts from the traditional layout of this important part of the CA. Whilst views from the highway would be fleeting, the driveway would enable views of the development, and I consider that the unsympathetic arrangement of the appeal proposal would be apparent. As well as from the public realm, it would also be visible from surrounding properties. For these reasons, the appeal proposal would not preserve or enhance the character or appearance of the CA and would be harmful to it.
9. Stonefaces is a Grade II Listed Building which is one of the dwellings identified as part of this important group within the CA. The CA Appraisal indicates that this listing is in part due to the building's relatively unaltered character. This Listed Building reflects the traditional layout of this part of the CA, being set adjacent to the highway and facing onto an extensive garden to the rear. Due to its similar arrangement, the appeal site makes a positive contribution to the setting of the Listed Building and its appreciation as a designated heritage asset. The proposed dwelling would be apparent as a detracting feature from the rear of the Listed Building. The unsympathetic location of the proposed dwelling would therefore not preserve the setting of the Listed Building of Stonefaces and indeed would harm it.
10. The appeal proposal includes some contemporary elements as well as traditional features. Within a CA or in association with other heritage assets, a contemporary design can be an appropriate approach to new development. However, the design approach would not mitigate for the unsympathetic location of the appeal proposal, and in the context of this site I consider that the proposed materials and contemporary design features would add to its incongruous appearance.
11. I have had regard to the Heritage Statement<sup>1</sup> submitted by the appellants. Whilst this identifies some minor negative effects on heritage assets, it considers that these can be offset by measures including the reinforcement of soft boundary treatment and the retention of trees. However, I consider that even with such treatment in place the unsympathetic design and location of the proposal and the resultant harm to designated heritage assets would still be apparent.

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<sup>1</sup> APS Report NO: HS/123, January 2021

12. There is a large garage on a neighbouring site. However, this is subordinate to the host dwelling and does not justify a development of the scale and arrangement of the appeal proposal.
13. I have also had regard to a relatively recent appeal decision on Sudbeck Lane<sup>2</sup> as well as the contemporary design features of the dwelling at 5 Sudbeck Lane. However, these sites are located to the north of Sudbeck Lane which is of a different character to the area to the south containing the appeal site, and in particular this important group of buildings and their setting. The circumstances of those proposals are therefore materially different to the appeal before me, which I have determined on its own merits.
14. I am mindful of the benefits of the proposal, including the contribution to the supply and mix of housing in the large village of Welton. However, the benefits arising from a single dwelling would be very limited.
15. I conclude that, due to its design and location, the proposal would fail to preserve or enhance the character or appearance of the CA and would not preserve the setting of the Listed Building of Stonefaces. Whilst the harm to these designated heritage assets would be less than substantial, there are no public benefits arising from the proposal which would outweigh that harm. The proposal would therefore be contrary to the townscape, historic environment and design requirements of policies LP2, LP17, LP25 and LP26 of the Central Lincolnshire Local Plan 2017 (the Local Plan), including in respect of infill development. The proposal would also be contrary to policy EN5 of the Welton-by-Lincoln Neighbourhood Plan 2016 in respect of the conservation of heritage assets. The proposal would also conflict with the Framework with regards to conserving and enhancing the historic environment.

#### *Living Conditions*

16. The proposal would subdivide the existing garden of No 8, with the new dwelling built to the rear. Although the new dwelling would be set back from the new rear boundary of No 8, first floor windows of the proposal which serve bedrooms would enable an elevated views of the rear garden of No 8. Due to the elevated nature of this view as well as the proximity to the site boundary, this would lead to an intrusive degree of overlooking from the appeal proposal to the detriment of the privacy of residents of the host dwelling. This harm would be exacerbated due to the limited area of the rear garden of No 8 which would result from the proposal.
17. The separation distance between the elevations of the existing and proposed dwellings would be such that this would not lead to unacceptable intervisibility between the buildings. However, this does not outweigh my conclusions in respect of the loss of privacy to the rear garden of the host dwelling.
18. I conclude that due to its siting and design, the proposal would lead to an unacceptable degree of overlooking of the rear garden of No 8, with significant harm to the living conditions of residents of that property in respect of privacy. The proposal would therefore conflict with the amenity considerations of policy LP26 of the Local Plan and paragraph 130 of the Framework.

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<sup>2</sup> Appeal Ref: APP/N2535/W/16/3154465

**Conclusion**

19. Due to the identified harm to designated heritage assets and living conditions, the proposal would conflict with the development plan. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR



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# Appeal Decision

Site Visit made on 7 September 2021

**by Mr R Walker BA HONS DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 September 2021**

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**Appeal Ref: APP/N2535/W/21/3275467**

**Bunkers Hill Farm, Bunkers Hill, Laughton, Gainsborough DN21 3EE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeal is made by Mr R Hammond (Hammond Farms) against the decision of West Lindsey District Council.
  - The application Ref 140575, dated 15 January 2020, was refused by notice dated 27 April 2021.
  - The development proposed is notification for prior approval for change of use from agricultural building to dwellinghouse.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The description of the development in the banner heading above is taken from the appeal form and decision notice which accurately describe the proposal.

## Main Issues

3. The main issues are:
  - whether the proposal satisfies the requirements of the (General Permitted Development) (England) Order 2015 (the GPDO) with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse, having particular regard to the requirements of Class Q.1 (i); and
  - if so, whether the location of the agricultural building makes it impractical or undesirable for it to be used as a dwellinghouse in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, having particular regard to noise and dust.

## Reasons

### *Permitted development*

4. Paragraph Q.1(i) of the GPDO identifies the extent of building works permitted under Class Q as being those reasonably necessary for the building to function as a dwellinghouse. These include, the installation or replacement of windows, doors, roofs, or exterior walls. The permitted development rights also include partial demolition, to the extent reasonably necessary to carry out such building operations.

5. National planning practice guidance (PPG) advises, amongst other things, that only those works reasonably necessary for the building to function as a dwellinghouse are permitted. Moreover, it says that it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.
6. Both main parties have referred to the *Hibbitt*<sup>1</sup> judgment, which addresses the extent of what works can be considered reasonably necessary. In that case the judge advised that it was a matter of planning judgment in such cases whether the proposed works were reasonably necessary.
7. Based on the evidence provided and my observations on site, I am satisfied that the structural integrity of the building is sound and would form an integral part of the new dwelling. Although the roof would be refurbished with, amongst other things, new tiles, the building's core structural walls and trusses would be retained. These are characteristics which make the building capable of conversion to a residential use.
8. The proposed staircase enclosed by brickwork which would lead to a flood refuge room in the adjoining barn would be visible. However, the extent of physical external works would remain very small overall. Internal works are also proposed to facilitate this. However, the PPG states that internal works are not generally development and it may be appropriate to undertake internal structural works.
9. The works to create the refuge room are specifically required to mitigate flood risk which is reasonably necessary for this building to function as a dwellinghouse, given the sites location within the flood zone. As such my view is that this would be permitted under Class Q. Although a previous application did not include a flood refuge room, no consent was ever granted. Therefore this does not provide evidence that a flood refuge room would be not be reasonably necessary for the building to function as a dwellinghouse.
10. Other works proposed including, amongst other things, the demolition of the small building to accommodate the amenity garden space and the new windows and doors would all be reasonably necessary for the building to function as a dwellinghouse.
11. I therefore find that the proposal satisfies the requirements of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse, having particular regard to the requirements of Class Q.1 (i). The fact that the proposal is acceptable in terms of an assessment against all remaining criteria under Class Q.1 is not disputed and I am also satisfied that the proposal meets the appropriate qualifying criteria.

*Whether the location of the building would be impractical or undesirable for use for a dwelling*

12. For permitted development under Class Q, paragraph Q.2(1) of the GPDO requires prior approval of various matters. These include part (e) which requires consideration of whether the location or siting of the building would make it otherwise impractical or undesirable for the building to change to a Class C3 use.

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<sup>1</sup> Hibbitt and another v Secretary of State for Communities and Local Government, Rushcliffe Borough Council [2016] EWHC 2853 (Admin).

13. The appeal building is located within an existing farmyard which includes a storage barn and two large cereal storage barns. Given the building's position, future occupiers could reasonably anticipate some activity associated with the farmyard, including intermittent noise and dust
14. However, during my site visit the two large cereal storage barns were in use with machinery in operation creating a loud constant noise which was clearly audible at the proposed dwelling. There is nothing before me to indicate the nature of this equipment, the noise levels generated, the periods of times of its operation, and particularly whether it operates constantly through the night. I am mindful that such an operation is likely to be during the summer months. During these warmer months future occupiers would more likely be reliant on open windows during the day and at night for ventilation and would spend more time in the garden. In such instances, the level of noise would, in my view, result in unacceptable living conditions for future occupiers.
15. I have considered the proposed agricultural occupancy condition as used in an appeal at Breach Hill Farm. The noise source in that instance related to a livestock building and I do not have full details of the circumstances of that case. Furthermore, the concerns raised regarding noise from the cereal storage barns would be detrimental to the living conditions of future occupants whether employed on the host farm, or another farming enterprise. As such, the proposed occupancy condition would not overcome my concerns.
16. The occupation of the proposed dwelling in connection with the farm enterprise would provide benefits to the farm including, amongst other things, on site security. However, full details of the nature of the farm operations and its requirements for an agricultural worker to live on site have not been provided. Moreover, the concern regarding noise and disturbance remains. As such, a more restrictive occupancy condition tying to the specific farm enterprise would not be reasonable in this instance.
17. Therefore, whilst there is nothing before me to indicate that dust nuisance would be a particular concern for future occupiers, I find that the location of the agricultural building makes it undesirable for it to be used as a dwellinghouse, in terms of its effect on the living conditions of future occupiers, having particular regard to noise. This would bring conflict with paragraph 130 of the National Planning Policy Framework (2021) which, amongst other things, seeks a high standard of amenity for future users.
18. The Council has also referred to part (b) of paragraph Q.2(1) in its reason for refusal. However, this relates to the noise impacts of the development itself. As my findings relate to the location of the building in relation to an existing noise source, I do not consider part (b) to be determinative in this instance.

### **Other Matters**

19. The appellant also refers to a range of matters relating to the suitability of the conversion that are not at issue in this case. They do not weigh either for or against the appeal decision, nor do they assist in addressing the determinative issue in this case.
20. Concerns regarding the processing of the application and previous proposals are not issues that I can assess as part of this appeal.

## **Conclusion**

21. In conclusion, the proposal would satisfy the requirements of the GPDO with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse having particular regard to the requirements under Class Q.1 (i). However, the location of the agricultural building makes it undesirable for it to be used as a dwellinghouse in terms of its effect on the living conditions of future occupiers of the proposed dwellinghouse, having particular regard to noise. The absence of harm in relation to other matters does not alter or outweigh these findings.
22. For the reasons outlined above, the appeal is dismissed.

*Mr R Walker*

INSPECTOR