

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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## AGENDA

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

**Planning Committee**  
**Wednesday, 2nd March, 2022 at 6.30 pm**  
**Council Chamber - The Guildhall**

**PLEASE NOTE DUE TO CAPACITY LIMITS WITHIN THE GUILDHALL WE WILL BE OPERATING A REDUCED PUBLIC VIEWING GALLERY**

Those wishing to simply view the meeting will be able 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 David Dobbie
- Councillor Cherie Hill
- Councillor Mrs Cordelia McCartney
- Councillor Mrs Jessie Milne
- Councillor Peter Morris
- Councillor Roger Patterson
- Councillor Mrs Judy Rainsforth
- Councillor Jeff Summers
- 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 - 19)
  - i) Meeting of the Planning Committee held on 2 February 2022.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio: Native Language

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) 142855 - Planning application for an Automotive Research and Development Centre... "Blyton Park Driving Centre", Kirton Road, Blyton (PAGES 20 - 49)
- ii) 143701 - Planning application for the siting of 2no. feed bins, Manor Farm Main Road Kingerby Market Rasen LN8 3PU (PAGES 50 - 67)
- iii) 144217 - Full planning application for 2no. bungalow dwellings - resubmission of application 143410. Land north of, Normanby Rise, Claxby (PAGES 68 - 85)
- iv) 143981 - Planning application for change of use from former Methodist Chapel to a dwelling to include interior alterations and exterior refurbishment The Former Methodist Chapel, Wickenby Road, Lissington (PAGES 86 - 98)

7. **Determination of Appeals**

(PAGES 99 - 112)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 22 February 2022

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 2 February 2022 commencing at 6.30 pm.

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

Councillor Michael Devine  
Councillor David Dobbie  
Councillor Mrs Jessie Milne  
Councillor Peter Morris  
Councillor Roger Patterson  
Councillor Mrs Judy Rainsforth  
Councillor Jeff Summers  
Councillor Mrs Angela White  
Councillor Mrs Caralyne Grimble

**In Attendance:**  
Russell Clarkson Interim Planning Manager (Development Management)  
Martha Rees Legal Advisor  
Ian Elliott Senior Development Management Officer  
Daniel Evans Senior Development Management Officer  
Ele Snow Senior Democratic and Civic Officer  
Andrew Warnes Democratic and Civic Officer

**Also in attendance:** Six members of the public.

**Apologies:** Councillor Matthew Boles  
Councillor David Cotton  
Councillor Cherie Hill  
Councillor Mrs Cordelia McCartney

### 89 PUBLIC PARTICIPATION PERIOD

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

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

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 5 January 2022 be confirmed and signed as an accurate record.

### 91 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared that several emails had been received in relation to application number 143728 (agenda item 6a). It was likely this declaration was valid for all Members of the Committee. The Chairman stated that whilst he had skim-read all correspondence received, he declared it did not affect his judgement of the application as presented at the meeting.

Councillors A. White, R. Patterson, J. Milne, M. Devine, J. Rainsforth and R. Waller also declared that they had received the emails but remained unbiased in respect of the presented application.

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

Members heard an update provided by the Planning Manager. He confirmed, whilst there were no updates regarding policy, the Corringham Neighbourhood Plan had been received by Full Council and was now afforded 'Full Weight' in planning decisions. The Officer also noted that the examinations of the Sturton by Stow and Stow joint Neighbourhood Plans were underway, with this now being afforded 'Increasing Weight'. The Officer also detailed that the Hemswell Neighbourhood Plan was under consideration.

<b>Neighbourhood Plan/s</b>	<b>Headlines</b>	<b>Planning Decision Weighting</b>
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, Morton, and Corringham (see below).	Full weight
Corringham NP	NP recently made (adopted) by Full Council on 24 Jan 2022. The plan now forms part of the development plan and should be given full weight in helping determine future planning applications within the parish area.	Full weight
Sturton by Stow and Stow joint NP	Examination of NP well underway.	Increasing weight
Hemswell Cliff NP	Submission version to be released (Reg16) shortly by parish council for final consultation and examination.	Some weight
Hemswell and Harpswell joint NP	Final submission version expected soon. Consultation (Reg16) will follow.	Some weight
Keelby NP	Draft to be considered by parish council for approval this month. Reg 14 consultation will follow.	Little weight

Reepham NP	Early draft version recently reviewed by WLDC. Expect to receive Reg 14 consultation version in near future.	Little weight
Caistor NP Review*	Early consultation starts in near future including workshops, parish wide survey, and community events.	Little weight
Nettleham NP Review*	Character Assessment completed and opening consultation exercise undertaken.	Little weight
Dunholme NP Review*	Call for land exercise underway. Public meeting to discuss review scope to be held 5 <sup>th</sup> Feb 2022.	Little weight
Neighbourhood Plans - made (22) - in preparation (19) - future (42) - being reviewed (3)*	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 Reg 16 - increasing weight - Draft Reg14 - some weight - Designated – little weight

**93 143728 - PLANNING APPLICATION TO ERECT 49NO. DWELLINGS... "LAND NORTH OF HAWKS ROAD", WELTON**

The Chairman introduced the first application of the meeting, application number 143728, to erect 49no. dwellings on the Land North of Hawks Road, Welton. This item had been deferred from the Committee's previous meeting, with a site visit having taken place in the intervening time.

The Chairman stated that Members needed to consider their positions regarding their past attendance at the previous meeting and the site visit, as several new Members of the Committee had not been involved in either the previous meeting or the site visit. The Chairman explained that only those who had attended should consider voting.

The Officer gave an update on the application. The Section 106 agreement had been signed and was with the legal officer for completion, Anglian Water had submitted a new consultee response declaring the surface water drainage scheme as acceptable but did not recommend a condition. The Lead Local Flood Authority has son condition 7 remained. The Officer also noted that the applicant had suggested an amended condition 3 due to flora. The Lincolnshire Wildlife Trust had commented that the flora on the site required a grassland survey, which was reflected in the updated condition. This was in reference to avoidance and mitigation, following comments from the Officer from Lincolnshire Wildlife Trust to have legal constraints in line with the Local Plan. The condition was sent to the Lincolnshire

Wildlife Trust Officer who agreed with the condition.

The Officer then presented slides of a newly submitted indicative landscaping plan from the agent regarding condition 11. However, the Officer stated that this had not been considered in detail by himself or the authority's landscape officer. The Officer then went through additional slides of the types of houses proposed for the site. These included photos of the site, including the path along the eastern boundary.

**Note:** The meeting was adjourned at 6.46pm owing to a technical issue. The meeting reconvened at 6.53pm

The Chairman stated there were two registered speakers on the application and invited the first speaker, Mr Foster, Applicant, to address the Committee.

During his statement, Mr Foster summarised the key attributes of the proposed site. He responded to comments and queries made by Members at the previous meeting. The speaker stated that Lincolnshire County Council had given their comments about the highway access and raised no objections to the access. The speaker also gave specific points to pedestrian access, with the existing right of ways being retained. The speaker asserted that Lincolnshire Wildlife Trust had also stated that no protected species were seen on-site and that no wildlife delegation had been made for the site.

**Note:** Councillor D. Dobbie arrived at 6:56 pm

Mr Foster then stated that the Wildlife Trust had given consent to the Neighbourhood and Local Plans for Welton. The speaker also confirmed that a monetary contribution to Welton Surgery would also be made. Members of the Committee heard that Lincolnshire County Council had stated there were sufficient spaces for primary school students, with Community Infrastructure Levy funding provided for secondary school students.

The Chairman thanked Mr Foster and invited the second speaker, Mr Heward, to address the Committee.

During his statement, Mr Heward stated that access to the dwellings on the site would be precarious and commented that it would likely cause an accident, though he did not oppose the building of new homes. The speaker highlighted that he had been present at the site visit and stated that the Members observing would have likely noticed the narrowness of Hawks Road, in addition to the potential issue of public access,

The speaker stated that the affordable housing section was placed away from the main development on the Hampden Close section, with no link between them. The speaker went on to say that this was not to affect the price of the market properties that were to be accessed through Hawks Road.

Later in his statement, the speaker suggested that they open the access of the dwellings that come off Hampden Close and have that as part of the access route, with access off Hawks Road only for pedestrians, cyclists, and mobility vehicles.

The speaker referenced that without adequate footpaths on the new development, there would be a massive concern of safety and that the current plans for access were not fit for

purpose. The speaker concluded that the numbers were incorrect regarding the usage and that due to his view of future-proofing, there would be another 100 properties that might access through the same area.

The Chairman thanked Mr Heward for his comments and invited any response from the Officer. It was clarified that they meant 12 dwellings would be accessed on the Hampden Close access during the site visit, not seven.

After the speakers, the Chairman invited comments from the Committee. Many Members who were not present at the Site Visit had visited independently. During this section, the following information was provided.

The site was allocated in 2017, with the current grassland situation happening due to no development since the allocation. Many Members referred to this during their comments on the application. Some Members said that if it was compliant with the Local Plan, there was no reasonable objection on material grounds. Some Members stated that it was suitable ground for the number of properties proposed. Furthermore, many Members commented that Welton had the facilities to provide for this extra development, including surgeries and shops.

Regarding the Highways point, Members raised queries and concerns about access, both for the future residents and for construction. It was noted that no objections had been raised by Lincolnshire County Council Highways. Members acknowledged the issue of parking in the area, with pavement parking being referred in some comments. With regard to the construction phase, and the concern about heavy vehicles for said purpose, Members' attention was drawn to condition 4, requiring a construction management plan.

On the affordable housing aspect, including the suggestion made by the objector, it was highlighted that the Committee was required to give consideration to the application as presented.

With the application having been proposed and seconded, on voting it was 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 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 may take place until a remedial strategy for the re-use of existing topsoil with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme must be fully implemented. [Outcomes must appropriately reflect end use and when combining another investigative

purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme must include all of the following measures unless the LPA dispenses with any such requirement specifically in writing

a) A proposed remediation strategy must be submitted to the LPA. The LPA must approve such remedial works as required prior to any remediation commencing on site. The works must be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

b) Approved remediation works must be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination must be fully assessed and an appropriate remediation scheme agreed with the LPA.

c) Upon completion of the works, this condition must not be discharged until a closure report has been submitted to and approved by the LPA. The closure report must include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria must be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

**Reason:** In order to safeguard human health and the water environment as recommended by Environmental Protection and section 9.2 of the Geo- Environmental Assessment dated September 2021 by deltasimons to accordance with Policy LP16 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

3. No development must take place until a further grassland survey has been undertaken on the site between the start of May and the end of September. The results of that survey should inform the preparation of an ecology enhancement and management plan which must be submitted to and approved by the local planning authority prior to the commencement of development. Where a significant quantity of grassland specialist species are identified by the survey, the plan must demonstrate measures to seek to avoid harm through the development; or where that is shown to be impracticable, must demonstrate mitigation measures such as the translocation to new areas of grassland habitat within the site. The ecology enhancement and management plan must evidence (and quantify) a measurable biodiversity net gain (through an agreed biodiversity metric) and be informed by the recommendations of the Extended Phase 1 Ecology Survey (EPES) by CBE Consulting dated 9th September 2021. The development must be completed in strict accordance with the approved details of the ecology enhancement and management plan and retained and maintained thereafter.

**Reason:** In the interest of nature to accord with the National Planning Policy Framework, local policy LP21 of the Central Lincolnshire Local Plan 2012-2036 and policy EN1 Environmental Capital and EN2 Habitat of the Welton by Lincoln Neighbourhood Plan.

4. No development must take place until a construction method statement and plan 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 routing and management of traffic including any off site routes for the disposal of excavated material;
- (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) protection of the public right of way along the east boundary;
- (ix) details of noise reduction measures;
- (x) a scheme for recycling/disposing of waste;
- (xi) the hours during which machinery may be operated, vehicles may enter and leave, and works may be carried out on the site;
- (xii) strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (permanent or temporary) connect to an outfall (temporary or permanent) during construction.

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

**Conditions which apply or 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 (unless stated dated July 2021):

- J2102-00106D dated 23rd November 2021 – Site Plan including open Space
- J2102-00111 – Eltham Elevations, Floor, Roof and Section Plan
- J2102-00112 – Greenwich Elevations, Floor, Roof and Section Plan
- J2102-00113A dated 25th August 2021 – Balmoral Elevations, Floor, Roof and Section Plan
- J2102-00114A dated 25th August 2021 – Osbourne (Handed) Elevations, Floor, Roof and Section Plan
- J2102-00115A dated 25th August 2021 – Kingsbourne Elevations, Floor, Roof and Section Plan
- J2102-00116A dated 25th August 2021 – Kingsbourne (Handed) Elevations, Floor, Roof and Section Plan
- J2102-00117 – Brompton (handed) Elevations, Floor, Roof and Section Plan
- J2102-00118 – Richmond Elevations, Floor, Roof and Section Plan
- J2102-00119 – Regent (handed) Elevations, Floor, Roof and Section Plan
- J2102-00120A dated 25th August 2021 – Gloucester Elevations, Floor, Roof and Section Plan
- J2102-00121A dated 25th August 2021 – Gloucester (handed) Elevations, Floor, Roof and Section Plan

- J2102-00132A dated 25th August 2021 – Beaumont Elevations, Floor, Roof and Section Plan
- J2102-00133A dated 25th August 2021 – Carlton Elevations, Floor, Roof and Section Plan
- J2102-00134 – Carlton Elevations, Floor, Roof and Section Plan
- J2102-00135A dated 26th August 2021 – Albany Elevations, Floor, Roof and Section Plan
- J2102-00141 – Single Garage (Door Left) Elevations, Floor, Roof and Section Plan
- J2102-00142 – Single Garage (Door Right) Elevations, Floor, Roof and Section Plan
- J2102-00143 – Double Garage (Door Left) Elevations, Floor, Roof and Section Plan

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

6. No development above ground level must take place until a comprehensive external materials schedule for all dwelling types and garages listed in condition 5 have been submitted to and approved by the Local Planning Authority. The external material details to include:

- Brick Type
- Roof Type
- Windows and Doors including colour finish
- Rainwater Goods including colour finish

The development must be completed in strict accordance with the approved materials schedule.

**Reason:** To safeguard the character and appearance of the building and its surroundings and ensure the proposal uses materials and components that have a low environmental impact and to accord with the National Planning Policy Framework, local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton by Lincoln Neighbourhood Plan.

7. No development above ground level must take place until a detailed surface water drainage scheme for the site, based on sustainable urban drainage principles has been submitted to and approved in writing by the Local Planning Authority. If a full sustainable urban drainage system scheme is incapable of being delivered then comprehensive justification of this must be submitted. The scheme must:

- be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development;
- provide flood exceedance routing for storm event greater than 1 in 100 year;
- provide details of how run-off will be safely conveyed and attenuated during storms up to and including the 1 in 100 year critical storm event, with an allowance for climate change, from all hard surfaced areas within the development into the existing local drainage infrastructure and watercourse system without exceeding the run-off rate for the undeveloped site;

- provide attenuation details and discharge rates which must be restricted to 6 litres per second;
- provide details of the timetable for and any phasing of implementation for the drainage scheme; and provide details of how the scheme must be maintained and managed over the lifetime of the development, including any arrangements for adoption by any public body or Statutory Undertaker and any other arrangements required to secure the operation of the drainage system throughout its lifetime.

No dwelling must be occupied until the approved scheme has been completed or provided on the site in strict accordance with the approved phasing. The approved scheme must be retained and maintained in full, in strict accordance with the approved details.

**Reason:** To ensure that surface water is adequately and appropriately drained on the site and without creating or increasing flood risk to land or property, nor drainage network adjacent to, or downstream of, the permitted development to accord with the National Planning Policy Framework, local policy LP14 of the Central Lincolnshire Local Plan 2012-2036 and policy EN3 of the Welton by Lincoln Neighbourhood Plan.

8. No development above ground level must take place until details of a scheme for the disposal of foul sewage have been submitted to and approved in writing by the Local Planning Authority. Development must thereafter proceed in strict accordance with the details and be operational before the first dwelling is occupied.

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

9. No occupation must take place until all of that part of the estate road and associated footways that forms the junction with the main road and will be constructed within the limits of the existing highway, must be laid out and constructed to finished surface levels in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

**Reason:** In the interests of safety, to avoid the creation of pedestrian trip hazards within the public highway from surfacing materials, manholes and gullies that may otherwise remain for an extended period at dissimilar, interim construction levels to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

10. No occupation must take place until those parts of the approved Travel Plan that are identified therein as being capable of implementation before occupation must be implemented in accordance with the timetable contained therein and must continue to be implemented for as long as any part of the development is occupied.

**Reason:** In order that the permitted development conforms to the requirements of the National Planning Policy Framework, by ensuring that access to the site is sustainable and that there is a reduced dependency on the private car for journeys to and from the development to accord with National Planning Policy Framework, local policy LP13 of the Central Lincolnshire Local Plan 2012-2036.

11. No occupation must take place until a comprehensive landscaping plan and

comprehensive planting/management/aftercare statement has been submitted to and approved in writing by the Local Planning Authority. The landscaping plan to include details of:

- All hardstanding
- Retained trees and hedging
- New hedging and trees including position, species, planting height and planting arrangement.

The development must be completed in strict accordance with the approved landscaping and management details.

**Reason:** To ensure the development site is appropriately landscape in its setting to accord with the National Planning Policy Framework, local policies LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy D1 of the Welton by Lincoln Neighbourhood Plan.

12. The development must be completed in accordance with the M4(2) schedule identified on site plan J2102-00106D dated 23rd November 2021.

**Reason:** To ensure the development meets the requirements for accessibility set out in Part M4(2) of the of the Building Regulations 2010 and to accord with the National Planning Policy Framework and local policies LP10, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

13. No occupation of each individual dwelling must take place until its individual access and driveway identified on site plan site plan J2102-00106D dated 23rd November 2021 has been fully completed and retained for that use thereafter.

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

14. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) must be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination must then be dealt with in accordance with the approved details.

**Reason:** In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy LP16 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

**94 142855 - PLANNING APPLICATION FOR AN AUTOMOTIVE RESEARCH AND DEVELOPMENT CENTRE... "BLYTON PARK DRIVING CENTRE", KIRTON ROAD, BLYTON**

The Chairman introduced the second application of the meeting, application number 142855, for approval of an Automotive Research and Development Centre at Blyton Park Driving Centre, Kirton Road, Blyton. The Presenting Officer stated that there were no further updates for the Committee's consideration. The Officer then gave a short presentation on the application, highlighting the proposed site plans, buildings, the height of the wind turbines, and photos looking at the existing site both on site, and from nearby public roads, including the A159 and the access point on Kirton Road.

The Chairman stated there were again two registered speakers for the application and invited the first, Mr Alistair Wood, Agent for the Applicant, to address the Committee. Mr Wood made the following statement:

"Good evening Chairman, Members of the Committee. My name is Alistair Wood and I am the agent for the application, here to speak on behalf of the applicants.

I am accompanied by Mr Alan Mugglestone, Director of Operations at the Blyton Park Driving Centre.

As reported - this application is seeking permission to proceed with the development of an ancillary Research & Development Facility, at the long-established driving centre.

The intention is to provide research and development facilities, principally in relation electric vehicle technology - necessary - in order to diversify the business in synergy with the automotive industry, in general.

At present there are no facilities at Blyton Park for electric vehicles but it is considered necessary to make EV provision, in order to diversify and sustain the business into the future.

The proposed development is being advanced as very much a concept — a concept based on sustainability - from which electric vehicles can be operated and within which they can be wholly charged from on-site renewable sources - the proposed wind turbines and solar panels.

This development will help to diversify the existing Driving Centre business; bolster the local economy by continuing to generate spin-off benefits in respect of other local businesses, and will also generate new employment opportunities within the local area.

I can advise that the existing Driving Centre is currently operating at capacity - within its constraints - with vehicles using the circuit almost every day - and on this basis must be considered a success, as far as the local economy is concerned.

The Driving Centre is also operated in a highly professional and responsible manner. Noise generation is strictly monitored on-site every day - and there are electronic logs that the Council's Environmental Protection Officers of the Council - inspect periodically.

As a consequence of this open relationship, it is pointed out that there is no long list of formal complaint or actions in respect of the existing use - as the existing activities operate within self-imposed and agreed restrictions.

I have made this statement because a number of representations have been made about potential increased noise generation, as a consequence of the proposed development – This will not be the case.

By making provision for electric vehicle technology at the site, there is only likely to be a net reduction in noise, from a similar number of vehicles using the circuit. For every one electric vehicle using the circuit, there will in effect be one less combustion engine using it, hence the predicted noise reduction.

This has been demonstrated in full Noise Assessment Report, prepared by an independent and very experienced Noise Consultant, that proclaims the development acceptable – from all acoustic perspectives - the vehicle activity and wind turbines.

From a design perspective, ancillary viewing facilities and a singular management/control tower facility are proposed within the built form – these are important in relation to the research and development activities and driver training functions at the centre.

The proposed building is intended to be relatively low profile within the wider landscape - and by its design not to appear out of place in its context. Although of a contemporary appearance, the design has tried to be positive to reflect the former airfield control building.

To sum up, this development will diversify and improve an existing local business and will allow for the research, development of new automotive technologies at the site. It will result in a net reduction in noise generated at the site and will accord with all local planning policies intended to support established local businesses and the local economy.

On this basis, Chairman, Members of the Committee, we believe this proposal to be, on balance, agreeable - and respectfully request your support, to enable this important new development to proceed. Thank you for listening to me.”

The Chairman thanked Mr Wood, and invited the second speaker, Mr Gordon Tully, to address the Committee.

Mr Tully stated that he was the landowner next to the proposed site. He noted that the change of focus to electric cars would not help the issue of traffic and road traffic noise.

The speaker stated that the adjacent funeral operator could only operate between 12:45 pm and 1:15 pm due to the existing noise. At this point, the speaker raised several concerns with the lack of action by the West Lindsey District Council Environmental Health Team, who, in the words of the speaker, has not gotten back to the occupiers of his land, despite multiple attempts of contact.

The speaker also raised that the change of direction for the start of the circuit would increase the impact of the noise of the vehicles across his site, in comparison to the current direction, where the noise was somewhat directed away from his location. The speaker stated that the application would also affect his other tenants, citing noise concerns for the tenants' children's health. The speaker also mentioned that the wind turbine aspect of the proposed application had followed the previously refused wind turbine proposed in the area. Later, the speaker stated that there was an extensive solar panel farm application that goes right to the edge of the site.

The speaker then spoke about the idea of using an existing building on the site due to its location nearby to the current start of the track, with units available there. The speaker also disagreed with the positive financial aspect of the application, as those visiting the driving centre would often stay in accommodation outside of the district. The speaker stated that previous meetings of the Planning Committee had turned down two and three-storey building applications on the proposed site.

The Chairman thanked Mr Tully for his comments and invited the Planning Officer to respond.

The Planning Officer responded to the concern about the current noise issue by stating that Environmental Health was aware of the situation but that any comment about the issue of noise was referred to the potential application. The Chairman then invited comments and questions from the Committee. During this section, the following statements and information were provided.

Members commented that noise pollution and general noises from the vehicles would be limited due to the electric nature of the vehicles, with one stating that the new venture would not cause any noise through the change of focus.

Another area of focus for Members was on the site plan and the proposed buildings. One Member specifically asked whether the proposed buildings would be on the already existing site of the old tower. The Officer stated that Lincolnshire County Council Archaeology had analysed the proposed application. The original control tower was on the eastern side of the runway, with the proposed buildings on a similar location, slightly further south of the footprint. Another Member commented that the proposed northern elevation site, with the facility not being just for the electric vehicles, would mean that this application is not wholly a research and development diversification application.

The Vice-Chairman suggested a site visit to understand the area better. He stated he was unfamiliar with the area. He felt that it would allow both parties and speakers to make their cases better. The Legal Advisor said that a suitable reason was needed. This suggestion for a site visit was then advised to review the noise issue and hope for the Committee to better understand the current situation regarding the size, access, and the aspect of noise currently generated, specifically regarding the future noise making on the site.

Having been proposed, and seconded and, on taking the vote, it was

**RESOLVED** that the application be deferred for decision at the next available meeting, in order for a site visit to be undertaken.

**95 143965 - ADVERTISEMENT CONSENT TO DISPLAY 1NO. NON-ILLUMINATED FASCIA SIGN. "NETTLEHAM COMMUNITY HUB, NETTLEHAM LIBRARY", 1 EAST STREET, NETTLEHAM**

The Chairman introduced the final application of the meeting, application number 143965, for the advertisement consent to display 1no. non-illuminated fascia sign at Nettleham Community Hub, Nettleham Library, 1 East Street, Nettleham. The Chairman made the declaration that the applicant, Councillor J. Oliver, was elected to West Lindsey District

Council in the process of this application, and was somewhat known to the Committee.

The Planning Manger stated that the rules in the wake of the pandemic on planning matters for outdoor-focused food and drink establishments had been relaxed, and that Members should only consider the provisions of the development plan, so far as they are material, in addition to the amenity and public safety regarding the advertisement. The Officer also reminded that any other issue regarding the building should not be considered.

The Chairman stated there were two registered speakers, both of whom had submitted statements to be read on their behalf. He invited the Democratic Services Officer to read the first statement, from Councillor J. Oliver, the applicant. The following statement was read aloud.

“Hello Council. I would like to disclose that I am Cllr. Oliver of Nettleham ward but acting as Jaime Oliver on behalf of Nettleham Community Hub.

I would like to add that THE HUB’s new sign is black and white, none offensive colours that add class and improved the look of to the building which looked very dated.

Not only has it increased visibility but it has also increased footfall to our Community Hub by advertising a coffee shop inside our HUB.

This also works in synergy with all the other services within the HUB. Increasing awareness and use of the whole building.

We feel we have had overwhelming positive feedback to the new look of the building and only a few people have objected.

The sign has increased our footfall by over 2,000 extra people per month. In comparison to when we had a coffee shop without a sign. Thank-you for your time.”

The Chairman requested that the second statement, from Mr Andrew Blow, be read. The following statement was made.

“A sophisticated technical objection about the size of this advertisement in a conservation area has come from Nettleham Parish Council whose chair, Cllr. John Evans, has considerable knowledge of planning matters. This objection was the unanimous view of the Parish Council which I witnessed from the public seats.

As residents living opposite the advertisement, with respect we do not think the Planning Officer’s report pays sufficient attention to the Parish Council’s objections.

The size of the advertisement gives the impression that the building is a coffee bar instead of a community centre. We have heard people say they are going to the café or coffee bar and they do not refer to it as the community centre.

The advertisement is after all on the elevation of the community centre which most people see.

It is strange to us that the applicant wanting to inflict an advertisement of this size in the conservation area is the community centre.... not the tenant coffee company.

We also take issue with the description of the premises by the Planning Officer in regard to



the takeaway window.

She fails to mention that no permission was given by WLDC for the community centre to become a takeaway.

The creation of the takeaway window.... which has led to some bizarre and illegal parking by customers.... has the effect of converting an A3 licensed venue to an A5 venue for which there has been no application.

Until now, there has been no opportunity for residents to comment because no planning application has been made.

The advertisement was put up without permission last June and to approve it without imposing any restraint is to condone and approve bad practice.

As residents of The Green who have to look at this advertisement from our home we would ask the Planning Committee to pay heed to the Parish Council's objections and enforce the applicant to bring the advertisement within those standards.

It is no secret that the four nearest residents and others in the locality also have serious issues with the provision of 66 outdoor seats outside the Hub without any consultation with us and without any application for planning permission. This has led to noise, nuisance, and privacy issues.

We are delighted to say that the Hub's trustees have agreed to meet us near residents along with Parish, District, and County councillors on Tuesday, February 8 to discuss these issues."

With no responding comments from the Planning Officer, the Chairman invited comments from Members of the Committee. The following statements and information were provided.

One Member raised several points about the lead-up to this application as context to the application. These included the previous arrangements of the building, with comments of black panelling being put up in July 2021. The Member also raised that with Nettleham being in a conservation area, many residents had concerns about any planning application or development.

The Member went on to say that Lincolnshire County Council only gave the HUB permission to change a few aspects, with no recommendation to submit a planning application. The Member went on to say that there was no consent from planning on the development of this new coffee shop. In the Member's last statement, it was asked why Schedule 3 was not relevant. The Officer answered that this application was seen as 'Deemed consent', similar to how properties had 'Permitted Development' as granted by the Government, but those that exceed a certain boundary had to be referred to the Planning Committee.

One issue raised by another Member concerning the raising of this application was on the comparison with other local businesses. The Member asked whether other companies, who had changed their premises and advertised that change, had to go through a similar advertising consent. The Chairman reminded Members that they were only concerned with the advertising signage, not the proposed shift in usage facilitated by the change of the rules

in the wake of the COVID-19 pandemic.

Having been moved, and seconded, on voting it was agreed that permission be **GRANTED** subject to the following conditions.

1. The grant of express consent expires five years from the date of the grant of consent.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

2. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

3. No advertisement shall be sited or displayed so as to—  
(a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);  
(b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or  
(c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

4. Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

5. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

6. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

**Reason:** To comply with the requirements of the Town and Country Planning (Control of Advertisements) Regulations 2007 (as amended).

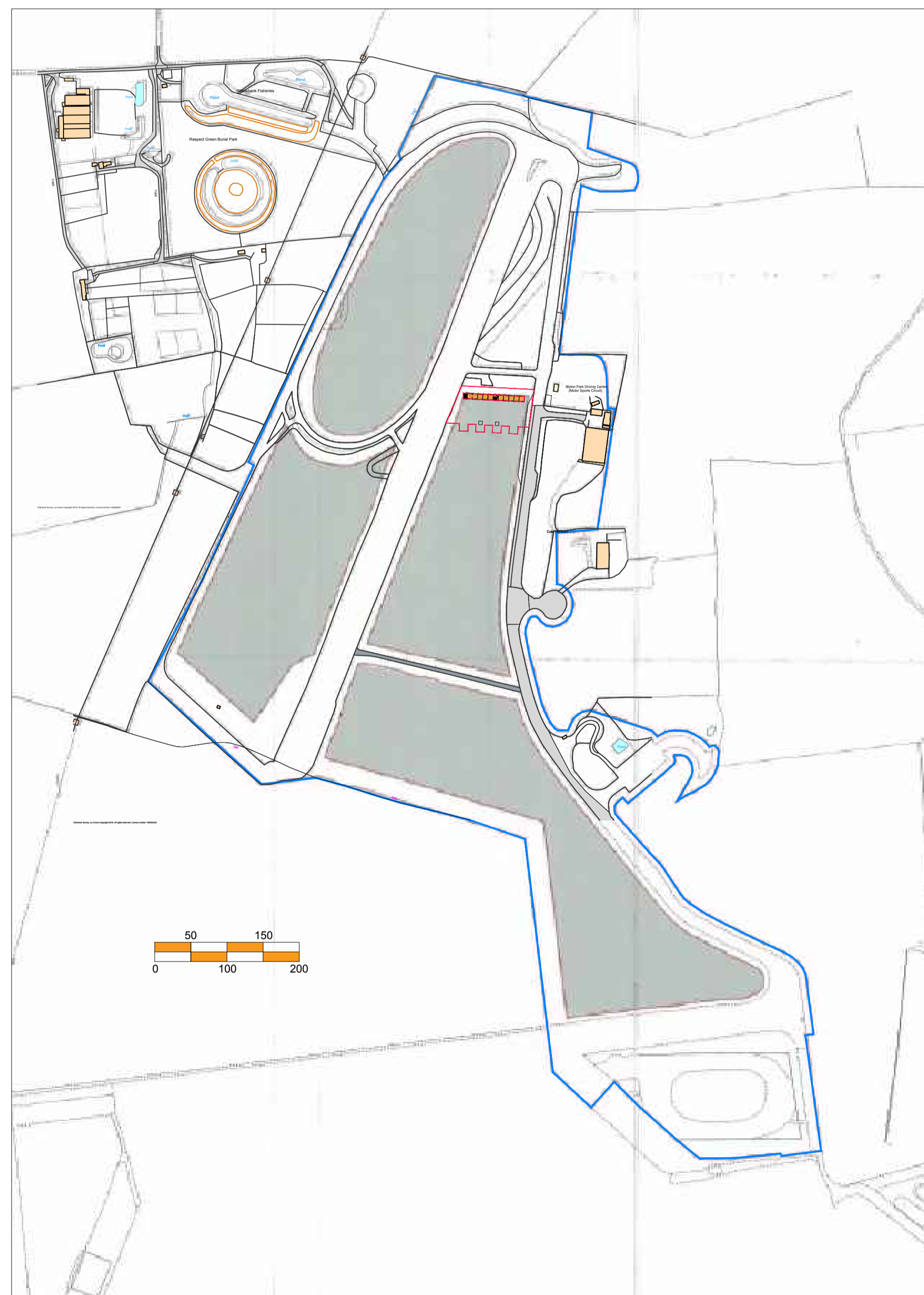
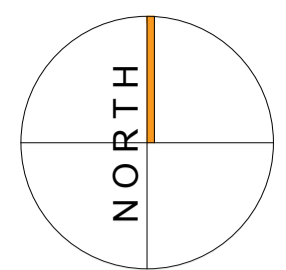
## **96 DETERMINATION OF APPEALS**

The determination of the appeals were **NOTED**.

Planning Committee - 2 February 2022

The meeting concluded at 7.54 pm.

Chairman



B	23-07-21	2No WIND TURBINES OMITTED	GB
A	04-05-21	SOLAR PANELS ADDED	GB
REV	DATE	DETAILS OF AMENDMENTS	DRAWN

REVISIONS

ALL MEASUREMENTS IN mm - DO NOT SCALE - IF IN DOUBT ASK



LNT CONSTRUCTION LTD  
 UNIT 2, HELIOS 47  
 ISABELLA ROAD  
 GARFORTH  
 LS25 2DY  
 Tel: 0113 3853858  
 Fax: 0113 3853859

CLIENT  
 LNT AVIATION LTD.

SITE  
 OLD BLYTON AIRFIELD  
 KIRTON ROAD, BLYTON,  
 GAINSBOROUGH

TITLE  
 PROPOSED ELECTRIC VEHICLE  
 RESEARCH & DEVELOPMENT CENTRE  
 LOCATION PLAN

SCALE	1:5000	DATE	29-09-20
DRAWN	GB	DWG NO.	BLY-01A

DRAWING STATUS	
FEASIBILITY	PLANNING SUBMISSION
PLANNING APPROVAL	REGULATION SUBMISSION
REGULATION APPROVAL	CONSTRUCTION ISSUE
CHECKED BY	DATE
APPROVED BY	DATE

## **Officers Report**

### **Planning Application No: 142855**

**PROPOSAL:** Planning application for an Automotive Research and Development Centre including, garaging, circuit viewing facilities, 2 no. wind turbines and ground mounted solar panels

**LOCATION:** Blyton Park Driving Centre Kirton Road Blyton  
Gainsborough, Lincolnshire DN21 3PE

**WARD:** Scotter and Blyton

**WARD MEMBER(S):** Cllr Mrs M Snee, Cllr Mrs L Clews, Cllr Mrs L A Rollings.

**APPLICANT NAME:** Blyton Park Driving Centre

**TARGET DECISION DATE:** 11/08/2021

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Daniel Evans

**RECOMMENDED DECISION:** Grant Permission Subject to Conditions

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The application is being referred to the Planning Committee for determination as the planning matters under consideration are deemed to be finely balanced.

The planning committee, at its meeting on 2<sup>nd</sup> February 2022 resolved to defer this planning application for a site visit. The committee site visit took place on 15<sup>th</sup> February 2022 commencing at 10.30am.

#### **Description:**

Blyton Park Driving Centre is located approx. 2.2 kilometres east of the village of Blyton.

Blyton Park Driving Centre is a facility for vehicle testing, research and development of motor vehicles. It occupies the northern end of the former airfield and is accessed via long driveway, from the south, off Kirton Road (the B1205). It utilises parts of the former airfield runways and there is control centre building and other buildings situated to the east of circuit.

The application seeks permission for an Automotive Research and Development Centre in relation to new automotive technology – in particular development of electric and autonomous vehicle technologies. The facility includes new garaging, circuit viewing facilities together with internal office/meeting accommodation. The proposal also includes 2no. wind turbines and ground mounted solar panels.

**Town and Country Planning (Environmental Impact Assessment)  
(England and Wales) Regulations 2017:**

Schedule 2 includes installations for the harnessing of wind power for energy production (wind farms) where the development involves more than 2 turbines or the hub height of any turbine exceeds 15 metres. The turbines proposed would not meet the indicative threshold as stated. Schedule 2 also includes permanent racing and test tracks for motorised vehicles where the area of development exceeds 1ha, test benches for engines where the floor space would exceed 1000m<sup>2</sup> and urban development projects. However, it is considered that the proposed research centre would not fall into these categories of development. The proposal is therefore not considered to be "Schedule 2 development". Neither is the site within a sensitive area as defined in Regulation 2(1). Projects which are wholly outside sensitive areas and do not exceed the screening thresholds, as is the case here, are not "Schedule 2 development" and should not be screened by the local planning authority. Therefore the development is not 'EIA development'.

**Relevant history:**

124940 - Application for a Lawful Development Certificate for use as a centre for driving tuition and motor sports. Granted 16/11/2009.

A re-consultation was undertaken from 28/09/2021 for a 21 day period as a result of the following amendments:

1. Proposed number of wind turbines reduced to 2no. and wind turbines reduced in height.
2. Change of description.
3. Noise Impact Assessment Received.
4. Highways and Traffic Statement Received.
5. Heritage, Character and Visual Impact Statement Received.
6. Ecology Appraisal Received.

All comments made during the publicity periods are set out below.

**Representations:**

Environment Agency:

24/05/2021

No comments.

NATS Safeguarding:

25/05/2021 & 05/10/2021

The proposed development has been examined from a technical safeguarding aspect and although an impact is expected this has been deemed to be operational acceptable and therefore the proposal does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

MOD:

10/06/2021

Subject to the condition detailed in Appendix A, the MOD has no objection to the proposed development.

#### Condition - Aviation Charting and Safety Management

The undertaker must notify the Ministry of Defence, at least 14 days prior to the commencement of the works, in writing of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

The Ministry of Defence must be notified of any changes to the information supplied in accordance with these requirements and of the completion of the construction of the development.

Reason for condition – To maintain aviation safety.

#### Natural England:

10/06/2021

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

12/10/2021

The advice provided in our previous response applies equally to this amendment although we made no objection to the original proposal.

#### LCC Highways and Lead Local Flood Authority:

11/06/2021

##### Highways

Can the applicant provide some basic transport information outlining the vehicle trip generation associated with the construction and operational phase of the development proposal.

##### Drainage

As a major planning application there is a requirement to deliver a sustainable drainage system where feasible. For a full application the following will be required:

- Flood Risk Assessment or Statement, as applicable
- Drainage Strategy including adoption and/or maintenance proposals with sketch layout plans
- Detailed development layout showing surface water drainage infrastructure
- Detailed hydraulic calculations
- Geotechnical interpretive reports (infiltration assessment, groundwater tables etc.)
- Discharge and adoption agreements

*Planning Officer Comments:*

Transport information was provided on 24 Sep 2021 and LCC Highways have confirmed on 12 Oct 2021 that the information is adequate to satisfy their original request.

21/12/2021

The dimensions of the existing access are adequate to enable two cars to pass in opposing directions and the proposal would therefore not result in an unacceptable impact on highway safety.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application has an acceptable proposed drainage strategy and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

LCC Archaeology:

27/05/2021

The proposed development would have some impact on the setting of RAF Bylton within the historic landscape as it would introduce prominent new features. Therefore if permission is forthcoming we would recommend that the developer be required to mitigate this impact on the non-designated heritage asset by taking the opportunity to better reveal the site's historic significance to visitors through the installation of a heritage interpretation panel within the scheme.

Recommendation: it is recommended that the developer should be required by condition to design, install and maintain an interpretation board prior to the centre becoming operational. The condition should require the approval in writing by the local planning authority of a specification for the board prior to it being installed, which should clearly identify its proposed location and content. This is to ensure that the board is accurate and well-designed to suitably offset the impacts on the historic environment.

Parish Council:

25/05/2021

Council has concerns regarding noise pollution and request a noise impact assessment.

*Planning Officer Comments:* I have contacted the Parish Council to understand their request and they have advised that a noise assessment is required because “Council wants to know whether the planning changes will impact on the village with regard to additional noise”.

30/06/2021



Blyton Parish Council is happy to support the application.

WLDC Environmental Health:

15/06/2021

Due to the nature of the proposal and local resident's concerns I request that the applicant submits an Acoustic Assessment prior to the application being determined

19/10/2021

I have reviewed the Noise Impact Assessment by S.&D. Garritt Ltd. and I am satisfied with the overall conclusion that this proposal 'should cause low impact and no loss of amenity to nearby dwellings'.

I am aware that there are noise concerns regarding the current permitted use of the track, however I can only comment on the potential noise relating to this application. I therefore have no further objection on noise grounds.

I would ask for the following to be conditioned:

- No body work or panel beating to take place in the garage units (as stated in the noise report).
- A suitable hours restriction on the facility to protect residential amenity.

Also as the proposed development is on former military land I request a contaminated land condition.

*Planning Officer Comments:*

Further correspondence has taken place regarding opening hours. In summary there is no objection to the following opening hours: Monday-Friday 0700 – 1900, Saturday 0800 – 1900 and Sunday/Bank Holiday 1000 – 1900.

WLDC Conservation Officer:

16/06/2021

(in summary)

The conservation officer has requested that a heritage statement be provided to assess the potential impact on the setting of listed buildings. In particular the setting of Mount Pleasant Farmhouse but also any other landmark building in the vicinity that may be affected, such as parish churches at Blyton, and potentially Northorpe and Laughton.

29/09/2021

Verbal Consultation – No objection following consideration of the submitted heritage statement.

WLDC Economic Development:

29/09/2021

In principle and subject to normal planning considerations, the Growth Team are supportive of this outline development proposal and would make the following comments in respect of the economic benefits it would bring to the area.

Local employment opportunities could be provided both during construction of the facility and longer term.

This expansion proposal is crucial for the long-term future and sustainability of the business.

The introduction of wind turbines and solar panels is to be encouraged for our Sustainability, Climate Change and Environment Strategy Development commitment.

Local Residents:

Objections received from the following properties:

Mount Pleasant Farm, Laughton Road, Scotton.

Northorpe Grange, Gainsborough Road, Northorpe.

Blyton Grange, Laughton Road, Blyton.

2 Westcliffe Road, Scotter.

Cottage Fields Farm, Kirton Road, Blyton.

The Fields, Kirton Road, Blyton.

Willow Green, Dring Lane, Laughton.

17A Kirton Road, Blyton.

Holly Tree House, Gainsborough Road, Blyton,

15 Fieldside, Blyton.

Dring Lane Paddocks, Laughton.

Respect Green Burial Park, Dring Lane, Laughton.

Comments summarised as follows:

- We are concerns working hours will be lengthened.
- Noise impact concerns from internal combustion powered cars and bikes.
- The proposal will impact on the setting of the nearby listed building.
- Ecology concerns.
- Highway concerns.
- Pollution concerns.
- Excessive noise pollution already existing at this site.
- The adverse visual impact the proposed wind turbines will have on the landscape.
- Discrepancies with the information submitted.
- We do not object to the Electric Car part of this development.
- Wind turbines are an unreliable source of energy.
- There is to be a massive solar farm to be built locally so there is no need for wind turbines.
- The Noise Assessment report was based on predictions and assumptions.
- The noise assessment is being 'massaged' into giving more favourable results for the owners of the racetrack than would be the case if a more objective approach to noise monitoring were taken.
- Blyton Racetrack is known to operate under an unusually lax noise monitoring regime.
- Any proposal to extend the operation can only be deemed negative due to the increase in activity and noise from the engines.

- Electric vehicles represent only a small percentage of vehicles on the road today.
- The operators have also proposed wind turbines for the site and appear to be trying to influence planners by suggesting that these will help power electric vehicles and/or help provide research into EV's.
- We are forced to check race schedules before taking our horses out for exercise as the noise from trailers transporting cars to and from the site spook the horses causing them to bolt.
- The proposed development will significantly impact my business and the tranquillity of the nearby burial park.
- The people visiting the facility do not use the services of Blyton.
- Wind turbines will have a detrimental impact on our amenity, particularly given the sensitivity with Autism.
- Other well established / famous circuits have had their noise levels dropped dramatically and have live monitoring of the noise monitors.
- Our grade II listed property has windows that face the track so we will see this and be disturbed by the noise.

General observations received from the following properties:  
12 Messingham Road, Scotter

Comments summarised as follows:

- Are there provisions for the charging of staff and visitors vehicles as this is a research establishment for electric vehicles, and is there sufficient energy supply available to accommodate this.

### **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

LP5: Delivering Prosperity and Jobs

LP7: A Sustainable Visitor Economy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP18: Climate Change and Low Carbon Living

LP19: Renewable Energy Proposals

LP21: Biodiversity and 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.

<https://www.lincolnshire.gov.uk/planning/minerals-waste>

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

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).*

- **Central Lincolnshire Local Plan Review Consultation Draft June 2021**

Policies of the Draft Plan which may be relevant to this application are:

- Policy S1: The Spatial Strategy and Settlement Hierarchy

- Policy S5: Development in the Countryside
- Policy S8: Decentralised Energy Networks and Combined Heat and Power
- Policy S13: Renewable Energy
- Policy S14: Protecting Renewable Energy Infrastructure
- Policy S15: Wider Energy Infrastructure
- Policy S17: Electric Vehicle Charging
- Policy S20: Flood Risk and Water Resources
- Policy S27: Spatial Strategy for Employment
- Policy S33: Non-designated Employment Proposals in the Countryside
- Policy S48: Parking Provision
- Policy S52: Design and Amenity
- Policy S56: The Historic Environment
- Policy S59: Protecting Biodiversity and Geodiversity
- Policy S65: Trees, Woodland and Hedgerows
- Policy S66: Best and Most Versatile Agricultural Land

The first consultation on the draft Central Lincolnshire Local Plan concluded on 24th August 2021. In regards to paragraph (b) of the NPPF (para 48), consultation responses to the first (reg 18) draft have now been published. The Summary document sets out the extent to which there were any Objections / Support / General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy. The policies at this time carry very limited weight in the determination of this application.

- ***Laughton Neighbourhood Plan***

Laughton Parish Council has approval from West Lindsey District Council for the parish of Laughton to be recognised as a designated area with the intention of producing a neighbourhood plan.

The neighbourhood plan group has undertaken evidence-based work and is now at the stage of producing the draft version (Regulation 14) of the plan for publication and consultation purposes.

Other Guidance:

Section 66 of the Planning (Listed Building & Conservation Areas) act 1990.

**Main issues**

- **Principle of Development**
  - **New Research Facility**
  - **Renewable Energy Proposals**
- **Character and Visual Impact (incl. Heritage)**
- **Noise and Disturbance**
- **Drainage**
- **Highway Safety and Parking**
- **Other Matters**

**Principle of Development**

The application seeks permission for an Automotive Research and Development Centre.

The new centre relates to new automotive technology – in particular development of electric and autonomous vehicle technologies. The facility includes new garaging, circuit viewing facilities together with internal office/meeting accommodation.

The proposal also includes 2no. wind turbines and ground mounted solar panels. The principle of development is guided by policies LP5 and LP55 which provide guidance in relation to business development in the countryside. In addition to this, policy LP19 provides guidance in relation to renewable energy proposals.

#### New Research Facility

Tier 8 of policy LP2 advises that unless allowed by any other policy in the Local Plan (such as LP4, **LP5**, **LP7** and LP57), development in the countryside will be restricted to:

- *“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”.*

In principle, renewable energy generation is an acceptable use in the open countryside, subject to the requirements of policy LP19. An assessment of policy LP55 is below. The proposal does not fall within any of the other above specified categories above.

Policy LP5 referred to above as a possible exemption supports the delivery of economic prosperity and job growth to the area subject to certain criteria being met.

Blyton Park Driving Centre is an established facility which provides for vehicle testing, research and development of motor vehicles. The facility also provides for the ‘driver experience’ where members of the public can experience driving a super car around the on-site track. The expansion of existing businesses will be supported provided that: existing buildings are reused where possible; there is no conflict with neighbouring uses; there are no unacceptable highway impacts; and, there are no adverse impacts on the character and appearance of the area.

There are no buildings on site which could accommodate the proposed facility. The impact on neighbouring uses, highway impacts and impacts on the character and appearance of the area are discussed in detail in the following sections of this report. However, to summarise, there are no

unacceptable impacts on the above considerations and the proposal complies with policy LP5.

As referred to within policy LP2 within the preceding section of this report, an assessment of policy LP55 is required. Policy LP55 specifies the types of development acceptable in the countryside. For non-residential development such as this, the proposed countryside location is justified by means of proximity to the existing established business and the scale of the proposal would be commensurate with the existing facility. As such the proposal accords with Policy LP55.

Overall, the expansion of this existing business to provide a new research and development facility is supported by the development plan. The proposal will double the employment provision on site providing a total of 12FTE jobs. The facility will diversify the operation of the site towards a more sustainable future for the motor industry aiding the continued diversification of the local economy.

As a secondary objective, the investment into the site also seeks to provide newer, more up-to-date facilities at the Driving Centre, necessary in order to enhance the driver experience offered at the site. Policy LP7 referred to above as a possible exemption within policy LP2 supports the delivery of sustainable visitor facilities to the area subject to certain criteria being met. The facility will continue to attract visiting member of the public, together with racing teams. The proposal is considered to be a 'sporting attraction' requiring consideration of LP7 which seeks to deliver high quality sustainable visitor facilities.

The location of the facility accords with LP7 as this is an existing facility which is seeking expansion. The proposal will contribute additionally to the local and wider economy, offering new employment opportunities and further aiding the continued diversification of the local economy. The proposal is acceptable in regard to the natural and built environmental qualities and the character of the local environment, see 'Character and Visual Impact' section.

Overall, the new research facility is supported by policies LP2, LP5, LP7 and LP55. These policies accord with the NPPF which seeks to enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. As such the above policies are attached full weight.

#### Renewable Energy Proposals

Policy LP19 identifies the considerations which will be taken into account when assessing proposals for renewable energy.

The proposed renewables aim to provide decentralised approach to energy production for the site. The aim is for the facility and charging points for the electric vehicles to be entirely powered from the turbines and solar panels on site.

The original submission included 4no. wind turbines with a HUB height of 15.4m. The proposal has been amended to reduce the number of turbines to 2no. and reduce the HUB height to 15m.

### Wind Turbines

The proposal includes 2no. wind turbines are located to the south of the research facility. The turbines will measure 15m to the HUB height and approximately 20m high to the tip of the blade. For reference, the proposed building is to be 11.25m in height.

In June 2015 Government issued a Written Statement<sup>1</sup> on wind energy development, stating that, *when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:*

- *the development site is in an area identified as suitable for wind energy development in a local or neighbourhood plan; and*
- *following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.*

This position is transcribed in national policy (NPPF (2021) footnote 54).

In relation to wind turbines the CLLP **does not** (emphasis added) identify areas which are suitable for wind energy development.

As such, proposals for wind energy development will only be permitted if:

- the proposal is in an area that has been identified as suitable for wind energy development in an adopted Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

There is no neighbourhood plan for the area. The applicant has not conducted their own pre-application consultation prior to submission. Despite this, during the publicity period for the application it is noted that Blyton Parish Council have offered their support for the application. Other potentially affected communities include Laughton and Northorpe. The Parish Councils of Laughton and Northorpe have not offered any comments on the proposal. A lack of comment on the application cannot be interpreted as support, nor objection.

There is a clear onus within the policy to have the backing of the local communities affected and this cannot be said to be the case here. As such, the proposed wind turbines do not comply with policy LP19 or the provisions of the NPPF.

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<sup>1</sup> <https://www.parliament.uk/globalassets/documents/commons-vote-office/June-2015/18-June/1-DCLG-Planning.pdf>



To grant permission for the wind turbines would represent a departure from the 2015 House of Commons: Written Statement (HCWS42) and the development plan.

Theme 2 of the emerging Draft CLLP focusses on facilitating an increase in renewable energy generated in Central Lincolnshire, as part of a transition towards a net-zero carbon future. It does this by proactively encouraging investment in renewable energy infrastructure.

As opposed to the adopted CLLP the emerging Draft CLLP identifies potentially suitable areas for wind turbine development.

Policy S13 differentiates between small to medium scale turbines and medium to large turbines. A small to medium scale turbine is defined as a turbine up to a maximum of 40m from ground to tip of blade. To clarify, the proposed turbines are 20m maximum height. The emerging draft CLLP establishes that **the whole of the Central Lincolnshire area is potentially suitable for small to medium wind turbine development** (emphasis added).

Policy S13 supports proposals for single small to medium turbines subject to an assessment of the impacts on landscape character; visual amenity; biodiversity; geodiversity; flood risk; townscape; historic assets; highway safety; aviation and defence navigation system/communications; and, impacts on the amenities of sensitive neighbouring uses (including residential properties).

The proposed two turbines would result in more than one turbine in the curtilage of the operation, which the policy does not support. As such, the proposal would not accord with policy S13 of the emerging Draft CLLP. The policy does provide an indication however, that future planning policy could support small scale wind turbine development across Central Lincolnshire.

As stated within the preceding section of this report, the NPPF sets out that weight can be applied to emerging plan policies subject to: a) the stage of preparation; b) the extent to which there are unresolved objections; and, c) the degree of consistency with the framework.

Having considered the Key Issues Report and Summary of Consultation Responses<sup>2</sup> there has been a mixed response to this draft policy during the initial consultation. The extent of objections however, are largely centred on the part of the policy which guides medium/large wind turbine developments, which this is not. The extent to which there are unresolved objections to the part of the policy relating to small/medium wind turbine developments is limited. Despite this, at this early stage of the plan's preparation, considering paragraph 48 as a whole, the draft policy is afforded limited weight in this decision.

#### Ground Mounted Solar Voltaic Panels

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<sup>2</sup> <https://www.n-kesteven.gov.uk/central-lincolnshire/>

To the immediate south of wind turbines are to be four banks of 2 x 5 solar voltaic panels that are to be ground-mounted and southward facing.

In accordance with policy LP19, proposals for non-wind renewable technology will be assessed on their merits, with the impacts, both individual and cumulative, considered against the benefits of the scheme, taking into account the following:

- The surrounding landscape and townscape;
- Heritage assets;
- Ecology and diversity;
- Residential and visual amenity,
- Safety, including ensuring no adverse highway impact;
- MoD operations, including having no unacceptable impact on the operation of aircraft movement or operational radar; and
- Agricultural Land Classification.

The proposed ground mounted panels are approximately 1.3m in height and are located in four separate banks totalling approximately 75m<sup>2</sup> floor area each (combined total is approximately 300m<sup>2</sup>).

Given the small scale nature and area coverage the ground mounted panels will integrate positively with the surrounding character and will not impact any heritage assets. There are no anticipated ecological implications. The panels will not unduly impact the amenities of residential properties. The MoD and NATS Safeguarding have not objected to the proposed panels, nor have LCC Highways and the development will not result in the loss of any BMV agricultural land. Overall, the benefits of the ground mounted panels in supporting the expansion of this existing facility and providing a sustainable form of energy generation would outweigh any impacts of the solar panels. The proposal therefore accords with policy LP19 of the CLLP.

The requirements of policy LP19 are considered to be consistent with the NPPF, in particular paragraph 154, and can be attached full weight.

#### Concluding Statement

It is considered that Blyton Park Driving Centre is an established facility which provides for vehicle testing, research and development of motor vehicles. The expansion of this existing business to provide a new research and development facility is supported on this site by the development plan. The facility will diversify the operation of the site towards a more sustainable future for the motor industry. The proposal will contribute additionally to the local and wider economy, offering new employment opportunities and further aiding the continued diversification of the local economy.

The benefits of the ground mounted panels in supporting the expansion of this existing facility and providing a sustainable form of energy generation would outweigh any impacts of the solar panels.

However, the proposed wind turbines are not located within an area identified as suitable for wind energy development. Furthermore, the turbines do not have the backing of the local communities affected. The proposed wind turbines are therefore contrary to the development plan and a 2015 Government Written Statement.

**Character and Visual Impact (incl. Heritage)**

The building comprises a series of 10 No. garage spaces, serviced from the south, with access to the track from the north, in a ‘pit lane’ type arrangement. First floor accommodation is proposed over the western half of the building, in the form of 4 No. office/conference suites, with an external viewing area over the eastern half.

A singular and taller element is proposed towards the western end of the building to provide ‘control tower’ type accommodation. A further external viewing area is proposed at second floor level, adjacent to the control tower.

The building measures 3.8m to first floor level; 7m to second floor level; and approx. 11m in total height. The building is intended to have a dark grey wall-cladding system externally at ground floor level and a pale-coloured render to its first-floor. The control tower is to be a fully glazed flat-roofed addition.

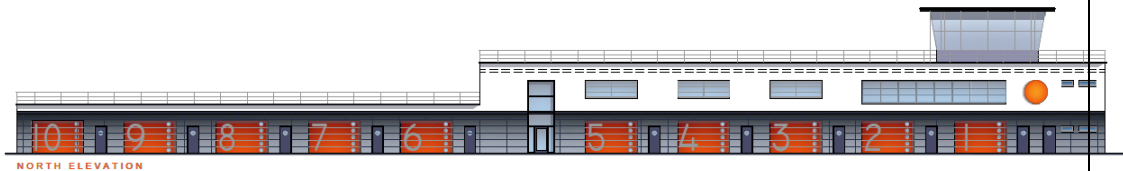
To the south of the building are 2 No. 10 kW wind turbines. These will measure 15m to hub level, each with three blades of length - 4.4m each. To the south of these wind turbines, are proposed to be 4 No. banks of 2 x 5 solar photo voltaic panels. The proposed ground mounted panels are approximately 1.3m in height and are located in four separate banks totalling approximately 75m<sup>2</sup> floor area each (combined total is approximately 300m<sup>2</sup>).

As stated within the applicant’s submission, *“The general design approach, has taken a specific lead from the historic context of the location. The proposed building is intended to reflect the appearance of the old airfield control tower, as had previously existed at Blyton, until the 1980’s”*. Illustrated in Table 1 below.

Table 1.
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Former Airfield Control Tower. © Ian Woodward.



Proposed Northern Elevation.

The applicant has undertaken a Heritage, Character and Visual Impact Statement for the proposed development.

The site is located within the Till Vale as identified within the West Lindsey Landscape Character Assessment 1999 (WLLCA). The key landscape characteristics of The Till Vale are: agricultural landscape with large, flat open fields; fields with low hawthorn hedgerows and hedgerow trees; small blocks of mixed woodland and shelterbelts; with large farm buildings and farmhouses on flatter land. It also states that there are small geometric blocks of woodland that are prominent and provide a sense of scale in this expansive farmland landscape.

Although not within a protected landscape, the WLLCA does advise that the landscape is sensitive to change given the flat surrounding agricultural landscape.

In terms of heritage significance the proposed development is situated within the former Royal Air Force Blyton airfield, which dates from the Second World War. Despite the loss of historic fabric the site of RAF Blyton remains a visible and significant part of this historic landscape, and can be considered as a non-designated heritage asset.

Mount Pleasant Farmhouse, a Grade II Listed Building, lies approximately 920m to the north of the site. The Church of All Saints in Laughton Village is a Grade I listed building and is situated approximately 2.3 km north-east of the site. Another Grade I listed building is the Church of St Martin, situated within Blyton Village located approximately 2.45 km to the south-west. The Church

of St John the Baptist in Northorpe, also a Grade I listed building, is situated 2.47 km to the east.

Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements. The NPPF sets out that planning decisions should recognise the intrinsic character and beauty of the countryside.

Policy LP25 seeks to protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire.

There are no public rights of way within 1km of the site. The nearest public right of way (Nthp/504/2) is located approximately 1.3km to the north-east of the application site.

Other publicly accessible viewpoints are likely to be limited to the highway network. The closest point of the A159 is located approximately 1km to the west and the B1205, located approximately 1.2km to the south and east.

The topography of the airfield and surrounding countryside is characteristically flat. The surroundings are dominated by agricultural fields laid to crop. There are several structures on site and to the south associated with the established driving and motor sport activities.

The proposed building would appear relatively low profile in its scale, form and design and as such should not appear particularly obvious within the wider landscape, even with respect to the taller and glazed control tower element. As such the building would integrate with the other structures on site and would not form an unduly prominent feature within the landscape.

The proposed wind turbines are likely to be more visually prominent within the wider landscape. It is noted that there is an existing wind turbine located off Kirton Road, to the east of the entrance to the Driving Centre. This turbine has no relationship to the Driving Centre and is located some 1.2km to the south-east of the proposed development site. This turbine stands at a total height of 46.3m and hub height of 36.6m. For reference, the turbines being proposed here are 20m in total height and 15m to hub height, substantially smaller than the turbine sited to the south east.

It was clear from visiting several viewpoints in the local area that the existing turbine off Kirton Road is visible in the context of the landscape. Given the open expansive character the theoretical zone of visual influence is likely to be wide. However, there are several visual breaks offered by hedgerows and trees and a large distance from public vantage points.

It is apparent from walking along the nearest public right of way (Nthp/504/2), 1.3km to the north-east and travelling along the B1205 - Kirton Road 1.2 km to the south and east, the former airfield and the associated buildings are not prominent within the wider landscape. Neither are they particularly prominent

or visible in the landscape from the A159 – Laughton Road to the east (1km away), or from any public road or vantage point, to the north.

Given the separation from public vantage points, taken cumulatively with relatively modest scale, height and slim-line profile of the wind turbines, it is considered that these elements would not significantly impact the intrinsic character and beauty of the countryside. Views of the turbines would be limited to glimpses and indeed the hedgerows, woodland and tree cover of a similar height in the local area, would offer visual relief.

In relation to the heritage impacts, intervisibility between the application site and the three Parish Churches referred to above is limited to none, despite their ecclesiastical towers. This is due to the separating distance and areas of natural screening between. Given the intervening distances and the relatively modest height of the proposed building and wind turbines it is considered that the proposed development will preserve the setting of the three Grade I listed Parish Churches.

The relationship between the application site and Mount Pleasant Farmhouse is closer and more open in character. The existing structures located to the east of the application site are visible from the setting. The design and form of the proposed building although relatively contemporary in nature, is intended to reflect the aviation heritage of the location. The proposed turbines and solar panels are located directly to the south and will be experienced behind the proposed building.

While notable within the wider open setting of Mount Pleasant Farmhouse, for the reasons set out above, it is considered that the harm caused to the setting of the GII listed building would be ‘less than substantial’.

As set out within paragraph 202 of the NPPF, where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, this harm should be weighed against the public benefits of the proposal. In this case, the expansion of this existing site to provide a new research and development facility will contribute additionally to the local and wider economy, offering new employment opportunities and further aiding the continued diversification of the local economy. Furthermore, the diversification of the facility to incorporate more electric vehicles on the track facility is likely to lead to an overall reduction in noise associated with the site. These benefits would outweigh the minimal harm caused to the setting of Mount Pleasant Farmhouse.

In considering the impacts on non-designated heritage assets, paragraph 203 of the NPPF advises that *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*.

The proposed development is situated within the non-designated heritage asset and will inevitably have some impact on its character and setting. However, the proposal has been designed to reflect the site's aviation heritage. This has been noted by the LCC Historic Environment Officer who has recommended that to better reveal the significance of the asset a heritage interpretation panel should be installed on site. This can be agreed by condition.

Overall, it is considered that the proposed development would not significantly impact the intrinsic character and beauty of the countryside and it would preserve the setting of heritage assets. The proposal is therefore in accordance with policies LP17 and LP26 of the CLLP and provisions of the NPPF and the statutory duty.

### **Noise and Disturbance**

Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

In doing so, decisions should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.

It is noted that there have been comments raised by members of the public relating to the noise from the site. These comments largely relate to the existing operation of the site and concerns that the operation of the site will increase. Blyton Park Driving Centre is an existing motorsport venue that has been established for a number of years with a tarmac race circuit together with a grass track oval and tarmac go-kart track to the south. **The determination of this application is not considering the existing operation of the site** (emphasis added). The existing facility operates a robust noise policy (<https://www.blytonpark.co.uk/noise-policy>) and contains a calibrated sound level meter to ensure that vehicles using the track comply with their own sound level limits.

The submission is clear that the race circuit is currently used to capacity by internal combustion engine cars, so the proposed development will not lead to an increase in track use. As stated later in this assessment cars on track powered by electric motors exhibit lower sound levels compared to internal combustion engine cars.

The sources of potential noise impacts from the proposed development relate to the following: noise from the operation of the building including the pit garages; noise from the use of electric vehicles on the track facilities; and, noise from the wind turbines.

A Noise Impact Assessment has been undertaken for the development proposal to understand the potential acoustic implications of the proposed facility.

The report assess the acoustic impact on surrounding nearby receptors such as residential dwellings. For reference, the nearest receptor location is approximately 920m to the north (Mount Pleasant Farmhouse), this is the closest dwelling to the site.

**Noise from Facility and Pit Garages -**

The main activities within the pit garages will be track preparation of vehicles, for example changing tyres or brake pads. The sources on the outdoor hardstanding will typically be movement and parking of customer cars and the possibility of sporadic cleaning of cars to be used on track.

The findings of the Noise Impact Assessment set out that with a comparison against background noise levels that sound from the new operation will have low impact at all dwellings at all times. This is the lowest classification of impact that can be reached.

**Noise from Electric Vehicles on Track -**

The Noise Impact Assessment sets out a range of comparative sound levels between internal combustion engines which currently operate at the facility and a high performance production electric vehicle. An extract is provided below:

<b>Car Type</b>	<b>Recorded Sound Level, dB LAeq,3 sec</b>
Mazda 3 MPS (Standard)	68 - 70
Renault Clio Sport	70 - 73
TVR Chimera	75 - 78
High Performance Road Cars, Standard Exhaust	75 - 80
Cars with Modified Exhaust	85 - 92
Ginetta GT4 Race Car	92 - 93
Ginetta LMP3 Race Car	102 - 103
Tesla Model S	62 - 65

It is noteworthy that the recorded sound level shown above was recorded by the sound monitoring equipment at Blyton Park Driving Centre and is not representative of the noise levels experienced at surrounding dwellings.

The race circuit is currently used to capacity by internal combustion engine cars, so the proposed development will not lead to an increase in track use. As shown above, electric motors exhibit lower sound levels compared to internal combustion engine cars. Overall therefore, the use of electric



powered cars on the permitted circuit will likely cause lower cumulative overall sound levels than the current use.

#### Noise from Turbines -

The proposed wind turbines are Evoco 10 kW 3 blade turbines, with a BWEA reference sound level of 52.9 dBA at 60m distance at 8 ms<sup>-1</sup> wind speed. The sound level of two turbines combined is 55.9 dBA at 60m.

The sound level predictions at dwellings from wind turbine sound are all in the range 23 – 28 dB. The sound level predictions at dwellings from wind turbine sound all fall within the in limit identified in wind farm standards (35dB) (ETSUR-97).

Given that the noise levels fall comfortably within the ETSUR-97 standards, the report concluded that the proposal should cause *“low impact / no loss of amenity to nearby dwellings”*.

The WLDC Environmental Protection Team (EP) have concluded that this proposal ‘should cause low impact and no loss of amenity to nearby dwellings’. Whilst the EP are aware there are noise concerns regarding the current permitted use of the track, they have no objection on noise grounds to the proposed application.

The concerns of neighbouring properties and land owners in relation to noise are noted. However, these are predominantly centred on: a) the existing operation of the site; and, b) the potential for increased use at the site by more vehicles. This application is only considering the new research facility and not the existing operation of the site, which can continue to operate. Furthermore, the submission is clear that the race circuit is currently used to capacity by internal combustion engine cars, so the proposed development will not lead to an increase in track use.

Overall, taking into account the findings of the Noise Impact Assessment, it is concluded that the proposed development will not give rise to significant adverse impacts on health and the quality of life through increases in noise disturbance. Diversification of the facility to incorporate more electric vehicles on the established track is likely to lead to an overall reduction in noise associated with the site. The proposal is therefore compliant with policy LP26 and the provisions of the NPPF.

#### **Drainage**

The proposed method for the disposal of foul sewage is to a private package treatment plan. Both the PPG and the Building Regulations 2010 (Approved Document H) set out a presumption in favour of connection to the public foul sewer wherever it is reasonable to do so. In this instance there is no public sewerage system on site and given the rural nature of the site a connection to the public sewer is not reasonable.

When considering options for non-mains drainage the PPG and Building Regulations Approved Document H set out the following hierarchy of non-mains alternative solutions.

- Package sewage treatment plants (which may be offered to the sewerage undertaker for adoption),
- Septic tanks; and
- Cesspools (if no other solution is possible).

The application proposes the preferred method of non-mains drainage (Package Treatment Plant), as such, this approach is acceptable in principle in accordance with LP14 of the CLLP.

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within policy LP14 (and NPPF paragraph 162). The site is not within an area identified by the Environment Agency as at risk from surface water flooding. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. Soakaway testing has been undertaken at the site and provided to the authority. The drainage report states: *“Based on the negligible / extremely slow infiltration rates observed during the soakaway testing it is considered that the site is unlikely to be suitable for the use of soakaways”*.

The National Planning Practice Guidance advises 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.*

*Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate”*. (Paragraph: 080 Reference ID: 7-080-20150323)

As a result of the soakaway testing, an alternative approach to infiltration has been considered. The approach includes all surface waters being channelled to an Attenuation Tank which is situated beneath the area of hardstanding to the south of the building. Water is then discharged at a controlled rate (to be agreed with the LLFA) via approx. 450m of piping to a watercourse to the north. The surface water drainage system will remain in private ownership. The proposed approach does provide a positive drainage strategy for the site. The LLFA have confirmed that ***“This application has an acceptable proposed drainage strategy and therefore the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site”***.

Overall, the drainage scheme proposed accords with policy LP14 of the Central Lincolnshire Local Plan.

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

### **Highway Safety and Parking**

Policy LP13 requires well designed, safe and convenient access for all and that appropriate vehicle parking provision is made for development users.

The proposed development will utilise the existing established access into the site, off Kirton road. As existing traffic to and from the Driving Centre generally comprises road cars; cars with vehicles on trailers; or small vans carrying track vehicles. Larger transporters also attend site but the applicant advises that the frequency is limited to 1/2 per week on average.

No concerns have been raised regarding existing or future highway safety throughout the consultation period.

The existing circuit is currently used at capacity, the proposed development is not anticipated to increase or alter the existing intensity or nature of the use. As such, it is expected that the proposed development is not likely to increase traffic generation and consequent usage of the adjacent public highway network.

Ample provision for parking is available on site.

Overall, the proposed access and parking arrangements are acceptable and the proposal accords with policy LP13.

It is considered that policy LP13 is consistent with the highway safety guidance (paragraph 109) of the NPPF and can be attached full weight.

### **Other Matters**

#### **Ecology**

A preliminary ecology appraisal has been undertaken which recommends that no further survey work is required. There would be no impact on any statutory designated sites. Precautionary measures are recommended in relation to nesting birds, which will be conditioned.

#### **Shadow Flicker**

The National Planning Practice Guidance<sup>3</sup> advises that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

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<sup>3</sup> <https://www.gov.uk/guidance/renewable-and-low-carbon-energy#shadow-flicker-and-reflected-light>

Typically, shadow flicker only occurs within 10 x rotor diameters of a turbine. In this instance the rotor diameter is 8.8m and the nearest dwelling, Mount Pleasant Farm, is located 920m to the north-east. This dwelling is therefore outside the area within 88m of the turbine where shadow flicker could occur.

#### Aviation Safeguarding

No objections have been received from NATS Safeguarding or the MOD in relation to the proposal.

#### Contaminated Land

Given the historic use of the site, a precautionary contaminated land condition is considered reasonable and necessary.

#### Impact on Neighbouring Business

Paragraph 187 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing businesses. Whilst the concern of a neighbouring business is noted, as stated above, this application is only considering the new research facility and not the existing operation of the site, which can continue to operate. Furthermore, the submission is clear that the race circuit is currently used to capacity by internal combustion engine cars, so the proposed development will not lead to an increase in track use.

The new facility is not considered to be incompatible with neighbouring uses of land and the proposal accords with policy LP26 in this regard.

#### **Planning Balance and Conclusion**

The decision has been considered against policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP5: Delivering Prosperity and Jobs, LP7: A Sustainable Visitor Economy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP18: Climate Change and Low Carbon Living, LP19: Renewable Energy Proposals, LP21: Biodiversity and Geodiversity, LP25: The Historic Environment, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework, National Planning Practice Guidance and emerging Draft Central Lincolnshire Local Plan.

In light of this assessment it is considered that Blyton Park Driving Centre is an established facility which provides for vehicle testing, research and development of motor vehicles. The expansion of this existing business to provide a new research and development facility is supported on this site by the development plan. The facility will diversify the operation of the site towards a more sustainable future for the motor industry. The proposal will contribute additionally to the local and wider economy, doubling the employment provision on site providing a total of 12FTE jobs and further aiding the continued diversification of the local economy.

The benefits of the ground mounted panels in supporting the expansion of this existing facility and providing a sustainable form of energy generation would outweigh any impacts of the solar panels.

The proposed facility has been designed to reflect the site's aviation heritage and as such the building would integrate with the other structures on site and would not form an unduly prominent feature within the landscape. Given the separation from public vantage points, taken cumulatively with relatively modest scale, height and slim-line profile of the wind turbines, it is considered that these elements would not significantly impact the intrinsic character and beauty of the countryside. Views of the turbines would be limited to glimpses and indeed the hedgerows and tree cover in the local area, would offer visual relief.

The proposed development will not give rise to significant adverse impacts on health and the quality of life through increases in noise disturbance. Diversification of the facility to incorporate more electric vehicles on the established track is likely to lead to an overall reduction in noise associated with the site.

The proposal will not detrimentally impact on highway safety, flood risk, ecology, aviation safeguarding and residential amenity.

The setting of the three Grade I Parish Churches will be preserved. Although the proposal would lead to less than substantial harm to the significance of Mount Pleasant Farmhouse, a Grade II Listed Building, the public benefits of the proposal would outweigh the minimal harm to its setting.

Despite the above, the proposed wind turbines are not located within an area identified as suitable for wind energy development. Furthermore, the turbines do not have the backing of the local communities affected. The proposed wind turbines are therefore contrary to the development plan and a 2015 Government Written Statement.

On balance, the proposed benefits of the research and development facility would outweigh the conflict identified relating to the principle of wind turbines in this location. The development is found to be acceptable in all other regards and the proposal is therefore recommended for approval subject to the following conditions.

### **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. The developer must notify the Ministry of Defence, at least 14 days prior to the commencement of the development, of the following information:

- a) the date of the commencement of the erection of wind turbine generators;
- b) the maximum height of any construction equipment to be used in the erection of the wind turbines;
- c) the date any wind turbine generators are brought into use;
- d) the latitude and longitude and maximum heights of each wind turbine generator, and any anemometer mast(s).

Details of the notification to the MoD shall be submitted to the Local Planning Authority prior to the commencement of development.

See also advice note below.

**Reason:** In the interest of maintaining aviation safety.

3. No development shall take place until, suitably qualified contaminated land assessments and associated remedial strategy with none technical summaries, conclusions and recommendations, together with a timetable of works, have been submitted to and approved in writing by the Local Planning Authority (LPA) and the measures approved in that scheme shall be fully implemented. [Outcomes shall appropriately reflect end use and when combining another investigative purpose have a dedicated contaminative summary with justifications cross referenced]. The scheme shall include all of the following measures unless the LPA dispenses with any such requirement specifically in writing:

- a) The contaminated land assessment shall include a desk study to be submitted to the LPA for approval. The desk study shall detail the history of the site uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved by the LPA prior to investigations commencing on site.
- b) The site investigation, including relevant soil, soil gas, surface and groundwater sampling, shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology.
- c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors and a proposed remediation strategy shall be submitted to the LPA. The LPA shall approve such remedial works as required prior to any remediation commencing on site. The works shall be of such a nature as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment including any controlled waters.

- d) Approved remediation works shall be carried out in full on site under a quality assurance scheme to demonstrate compliance with the proposed methodology and best practice guidance. If during the works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme agreed with the LPA.
- e) Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the LPA. The closure report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

**Reason:** In order to safeguard human health and the water environment and identify potential contamination on-site to accord with the National Planning Policy Framework and local policy LP16 and LP26 of the Central Lincolnshire Local Plan.

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

4. The drainage scheme as shown on drawing: 'BLTN-BSP-ZZ-00-DR-C-SK240 Rev P01' and 'Novo UK42 Gravity' shall be installed prior to the use of the building commencing and shall be retained and maintained in working order for the lifetime of the development.

**Reason:** To ensure the drainage scheme is adequately installed to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

5. Prior to development above damp proof course, details of a historic interpretation board including details of its proposed location and contents shall be submitted to and approved in writing with the Local Planning Authority. The board shall be installed prior to the use of the building commencing and shall be maintained during the lifetime of the development.

**Reason:** To ensure that the board is accurate and well-designed to suitably offset the impacts on the historic environment in accordance with policy LP25 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

6. Any site clearance works must be carried out outside of the breeding bird season (1<sup>st</sup> March to 31<sup>st</sup> August inclusive) in accordance with the recommendations of the Preliminary Ecology Appraisal by Brooks Ecological Ref: ER-5622-01A dated 09/08/2021.

**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.

7. The materials used in the development shall match those stated on the following drawing(s): BLY-03 dated 12 May 2021.

**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.

8. 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: BLY-02B dated 03 Aug 2021, BLY-03 dated 12 May 2021 and BLY-05A dated 03 Aug 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 the National Planning Policy Framework and policy LP17 and LP26 of the Central Lincolnshire Local Plan.

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

9. Development shall proceed in accordance with S. & D. Garritt Ltd. REPORT OF NOISE IMPACT ASSESSMENT. No body work or panel beating shall take place in the pit garage units.

**Reason:** In the interest of residential amenity and to accord with policy LP26 of the Central Lincolnshire Local Plan.

10. No lighting shall be installed on the site unless details including hours of illumination have been submitted to and approved in writing by the Local Planning Authority. It shall then be operated in accordance with the approved details.

**Reason:** To safeguard the occupants of nearby housing from excessive illumination in accordance with Policy LP26 of the Central Lincolnshire local Plan.

11. The use hereby permitted shall not be operational outside the following times; between 0700hrs and 1900hrs Monday to Sunday including Bank Holidays.

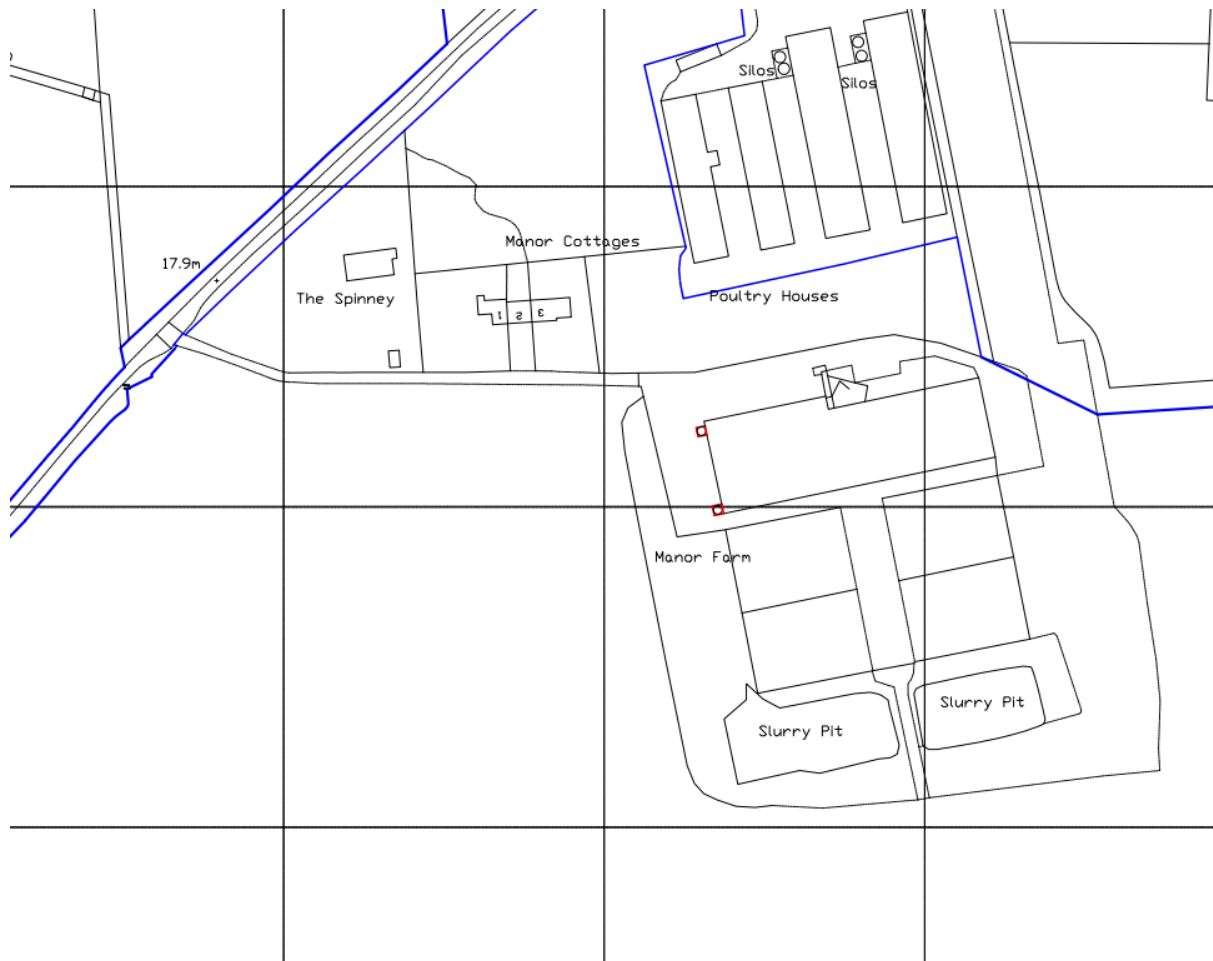
**Reason:** In the interests of residential amenity and to accord with the National Planning Policy Framework LP26 of the Central Lincolnshire Local Plan.

**Notes to the Applicant**  
**AVIATION SAFETY**



**The applicant should also notify the Local Planning Authority and the MoD following the completion of development.**

# Agenda Item 6b



## **Officers Report**

### **Planning Application No: 143701**

**PROPOSAL:** Planning application for the siting of 2no. feed bins

**LOCATION:** Manor Farm Main Road Kingerby Market Rasen LN8 3PU

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr S Bunney, Cllr J McNeill, Cllr C E J McCartney

**APPLICANT NAME:** Mr Truelove

**TARGET DECISION DATE:** 08/11/2021

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Ian Elliott

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

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This application has been referred to the Planning Committee as Officers (exercising their planning judgement) consider it appropriate to do so, following a number of third party representations concerned with the development and wider operations in vicinity of the site.

#### **Description:**

The application site comprises two areas of hardstanding to the west of an existing agricultural building. The two feed bins are already installed. The site is located via a gated vehicular access down a short hardstanding farm track off Main Road. The feed bins sit higher than the agricultural buildings. The site is screened to the north by hedging, trees and agricultural buildings to the north and east. The southern boundary is partly screened by agricultural buildings and partly by smaller trees with open gaps. The western boundary is screened by trees. To the north and east are agricultural buildings with open countryside to the south and west. Residential dwellings are to the north west. The following heritage assets are to the north east of the site:

- Medieval Castle and Ecclesiastical Complex – Scheduled Ancient Monument (approximately 220 metres away)
- Stables at Kingerby Manor – Grade II Listed Building (approximately 311 metres away)
- Kingerby Manor – Grade II Listed Building (approximately 336 metres away)

The application seeks planning permission, retrospectively, for the siting of 2 galvanised feed bins measuring approximately:

Feed Bin 1 – 8.9 metres high with a 2.8 metre diameter

Feed Bin 2 – 8.3 metres high with a 2.8 metre diameter

The application forms states that the feed bins were installed on 1<sup>st</sup> April 2020.

**Relevant planning history:**

W75/774/75 – Erect Dairy Building (Outline). Approved 18/12/1975.

W75/290/76 - To erect an 18 bay building with lean-to and parlour building. (Reserved matters following outline permission W75/774/75). Approved 22/06/1976.

**Representations:**

Members attention is drawn to the representations made in relation to the application, the substance of which are summarised below:

**Sir Edward Leigh MP:** Objections

- Fearful that the Kingerby and Kirkby area is being consumed by intensive pig farming to the detriment of the community and its character.
- New pig sheds should not be allowed within 400 yards of the edge of the site, yet other residences are within 150 yards of the facilities this retrospective application seeks approval for.
- Aside from the excessive noise, local residents have also complained to me about the smell which has pervaded areas very close by.
- It has also resulted in a higher level of Heavy Goods Vehicle traffic in Kingerby.
- I strongly recommend that this application be refused in the interests of the people of Kingerby and Kirkby. It is also vital to prevent such bad examples from being used as precedents that might spread to other communities here in Lincolnshire and beyond.

**Cllr Bunney:** Objections

As ward member I have been made aware of the local residents concerns regarding this application. The existing pig units already have a negative impact on the local environment - the smell [stench], noise and congestion on the narrow lanes all causing concern and discomfort to the locals - which without the new silos need to be investigated. The current application for Silos will mean more intensive farming activity and will undoubtedly make the environmental problem worse that it already is. I would expect an environmental impact survey needs to be carried out before the application can be discussed. Something that I believe has not happened on earlier applications. I am interested to read the Highways response and wonder whether they have visited the site or not or just carried out a table top exercise - I suggest the latter. have WLDC carried out a site visit and discussed the application with the residents in what after all is a very small community. I cannot support this application.

**Osgodby Parish Council:** Objections

Having met with a representative of Kingerby and Kirkby Action group recently, more information has been provided to the Parish Council regarding this application and we wish to make the following comments:

It is clear from what was seen and heard, that these farms are now industrial pig units and have become so by incremental growth, under permitted development or piecemeal individual planning applications for units of a size that have apparently bypassed the requirement for an environmental impact survey to be undertaken or failed to reflect the expansion to an industrial level.

Pig 'finishing' at the units creates both smell and noise, both of which were apparent at a relatively low level this morning, though this is currently at 'week 5' and from 'week 8', the noise levels and smells increase significantly and continue for weeks as the pigs are 'finished'. The noise continues 24 hours a day and when the wind direction is from the South West, the smell is unbearable and carries into Kirkby.

Residents have requested that a full Environmental Impact Assessment is undertaken for the Unit. Given the manner in which the sites are rapidly growing through piecemeal planning applications, and the fact that only the Council can action this, it has not to date happened.

Given the significant impact of the noise and smells from the pig units on the day to day lives of residents in Kingerby and Kirkby, an Environmental assessment is clearly needed. The Parish Council, in accordance with the Neighbourhood Plan do support local business and employment and will continue to do so. However, this must be balanced by due consideration for the impact of development and expansion upon the amenity and health of local residents.

We strongly recommend that an Environmental Survey is carried out.

**Local residents:** Representations (in summary) received from:

Supports

1 Manor Cottages, Main Road, Kingerby

Objections

Beech House, Main Road, Kingerby

Kingerby Hall, Kingerby

North Lodge, Main Road, Kingerby

Belmont, Main Street, Kirkby cum Osgodby

Hillbury, Kirkby cum Osgodby

Hollincroft, Main Street, Kirkby cum Osgodby

Kirk House, Owersby Bridge, Kirkby cum Osgodby

Paths End, Main Street, Kirkby cum Osgodby

Sandstone Steadle, Main Street, Kirkby cum Osgodby

Walnut House, Main Street, Kirkby cum Osgodby

Bell View, Main Street, Kirkby cum Osgodby

Brinkhill, Main Street, Kirkby cum Osgodby

Kirkby Steading, Main Street, Kirkby cum Osgodby

Chelsea Reach, Main Street, Kirkby cum Osgodby

Ashdown, Main Street, Kirkby cum Osgodby

Lindum, Low Road, Osgodby

Church View House, Main Street, Kirkby cum Osgodby  
6 Nashs Row, Osgodby  
The Old Post Office, Main Street, Osgodby  
1 Bungalow, Gulham Road, South Gulham  
2 Top Farm Cottage, Gulham Road, North Owersby

#### Visual Amenity/Character

- The 5 metre high silos will be there for the next 50 years or more. If the pig market collapses, as seems possible, they will not be taken down. They will just rust in public view.
- The whole natural beauty of Kingerby has been ruined.
- Pig farming at Redhill Farm is turning Kingerby and Kirkby into an intensive pig rearing district and ruining the character of Kingerby and Kirkby villages.
- Close proximity of intensive farming operations.

#### Heritage

- The Kingerby farm is being industrialised by stealth and destroying a place of great historic importance, which plays a key part in the West Lindsey Churches Festival.
- Unacceptable to permit such close use to Kingerby Hall, formerly Kingerby Castle, which is an ancient monument and has a moat around its building, dating from the 12th Century. There is also an Historic Church, remains of an Abbey and an Old Rectory very close.

#### Highway Safety

- The lane is being trashed by wholly unsuitable vehicles, lorries and many more tractors than before.
- None of the roads around the villages of Kirkby or Kingerby are suitable for Heavy Goods Vehicles
- One of the effects of the wider intensification of the area is the number of HGV lorries using the lane that is signposted 'not suitable for lorries' as well as the additional use of large tractors carrying manure. In a normal planning situation, some consideration of the impact of this intensification would have been possible to add to assist this lane deterioration and the local community's needs.
- Increase in traffic would ruin a lovely and peaceful place.
- Increase of traffic through Kirkby cum Osgodby and implications on home.
- Safety of pedestrians or other car users.
- There is a sign at Kirkby which clearly states not suitable for HGVS as no passing places.
- No passing places, no room for cars to overtake, never mind HGV's or tractors etc.
- The sides of the single track roads are falling away, its more pothole than road.
- The double bend passing through Kingerby before St Peter's Church on the way to Manor Farm, which because of the narrow road can on occasions cause oncoming traffic to appear unexpectedly in front of you.

- Vehicle movements answer is a little misleading. Before the use was changed to factory pigs, there were no large or small deliveries. There was just farming implements being moved and straw. Today, without permission, there are 2000 pigs being brought in every 12 weeks [say 9 HGVs] in one week at the start and the same number going out every 12 weeks, [another 9 HGVs] in one week at the end. This is a factory farming operation, along a single lane - it is really not the difference between one HGV and more small deliveries.
- Mud on the roads in the vicinity of the farms which is never cleared.
- Pig foul is incidentally left on the roads during spreading which gets on undercarriage of vehicles leaving a horrible stench.

#### Biodiversity

- Kingerby Wildlife Meadows is seriously affected by the shed being changed in its use to intensive pig farming.

#### Public Rights of Way

- Public Rights of Way is seriously affected by the shed being changed in its use to intensive pig farming.

#### Use

- The application for planning permission for the silos (retrospective) is to support a massive growth in intensive pig farming in the area by the applicant which itself has not been scrutinised by the planning process.
- Pig rearing project encapsulates Manor Farm, Jesmond Farm and perhaps Redhill Farm, all within half a mile of each other. You now have a very large pig production unit dominating quite a small area.
- Two pig units, each of 2000 pigs, have been opened without planning permission and in breach of regulation about proximity to domestic dwellings.
- The use of the site as a pig rearing operation is wholly unacceptable.
- Silos only needed for what the site has become, an intensive pig rearing operation and should only be considered in the context of a new application for the whole operation at Manor Farm.
- Part of an attempt to establish a major pig unit on this site and should be rejected as should similar applications in the future until it becomes clear exactly what the applicants propose for this site.

#### Residential Amenity

- Permitted development for livestock, including changes to an existing agricultural unit, may not take place within 400m of dwellings. There are 10 such dwellings within 400m.
- The smell is noxious and sometimes even penetrates inside my home and my office at the side of the house, from where I run an international business.
- Noise and smell levels vary from medium bad to very bad and can be considerable when there is a south west wind. There is no odour management.
- Unacceptable level of flies.

- Manor Farm is too close to Kingerby hamlet.
- Its unacceptable proximity to residential properties, there is also a wider problem that Kingerby Estate is being turned into a sort of industrial pig farming estate.
- Brings in the possibility of poor air pollution.
- The proximity of this activity is far too close to the small residential area of Kirkby

#### Tourism

- Kingerby itself is a bit of a tourist attraction in the WLDC area, kept as best as possible by a small group of volunteers.

#### Environment

- There has never been a holistic Environmental Impact Assessment of the activities of the applicant on this old village site and estate purchased some 20 years ago.

#### Other

- The number of pigs housed on such a small area must infringe Animal Rights
- We are keen walkers but have not been able to walk as often down the road past Manor Farm, again because of the noxious smell and horrendous noise coming from the pig farm.
- If the Council chooses only to make a decision only on the simple 8m high silos application, we would urge you to first require an Environmental Impact Assessment and a Traffic Impact assessment, so that this information is available, before the application is determined.

#### **WLDC Conservation Officer:** No objections

I have carefully considered the setting of Kingerby Manor, its stable block, scheduled grounds, and the nearby church. There are no direct views between the two sites. I also note that the principal elevation of Kingerby Manor faces the A46, so its upper principal rooms are unlikely to have views of the development site. There are also thickly planted areas with mature trees to both the boundary of the farm, and also to Kingerby Manor, and these are separated by a large field.

Whilst these designated heritage assets are of a very high group value, I conclude that there is some distance between the two sites, and that there will be no harm to the setting of these designated heritage assets as a result of the additions to the existing farm building.

#### **LCC Highways/Lead Local Flood Authority:** No objections

Response received 16<sup>th</sup> February 2022:

I can confirm our position has not changed and the comment below still stands



Response received 12<sup>th</sup> October 2021:  
Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

**Environment Agency:** No representations received to date

**LCC Archaeology:** No representations received to date

**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); the Osgodby Neighbourhood Plan (made 2nd July 2018) 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

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Developments in the Countryside

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

- ***Osgodby Neighbourhood Plan (ONP)***

Osgodby Neighbourhood Plan was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 2<sup>nd</sup> July 2018. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made' and should be used when determining planning applications within the identified Neighbourhood Area. The relevant policies are:

Policy 4: Design and Character of Development

Policy 9: Dark Sky Policy

Design Character Appraisal – The Rural Area

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

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

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

<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 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 (2021)**

<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. In regards to paragraph (b) consultation responses to the first (regulation 18) draft have now been published. The Summary document sets out the extent to which there were any Objections/Support/General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy.

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy  
S5 Developments in the Countryside  
S7 Reducing Energy Consumption – Non-Residential Development  
S20 Flood Risk and Water Resources  
S46 Accessibility and Transport  
S48 Parking Provision  
S52 Design and Amenity  
S56 The Historic Environment

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

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

Other

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

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

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (see other consideration section)

<https://www.legislation.gov.uk/uksi/2017/571/contents/made>

The Town & Country Planning Act 1990 (as amended)

<https://www.legislation.gov.uk/ukpga/1990/8/contents>

**Main issues:**

The application seeks planning permission only for the “siting of 2no. feed bins (retrospective”).

Many of the representations received cite concerns with the use of the building for the housing of pigs. Whilst these concerns are recognised – the planning history identifies that the building was erected as a livestock building in the 1970’s. Use of an existing agricultural building to house livestock is not therefore, in itself, considered to constitute a material change in use, and

does not comprise “development” for the purposes of the Principal Planning Act<sup>1</sup>. The use of the building is not under consideration with this planning application.

This application considers only the issue of whether the local planning authority should grant its planning permission to the two feed bins that have been erected. The Planning Act<sup>2</sup> allows planning permission to be granted for development that was carried out before the date of the application.

Matters to be considered include:

- Principle of the Development  
*Central Lincolnshire Local Plan 2012-2036*  
*Osgodby Neighbourhood Plan*  
*Concluding Statement:*
- Assessment of local policy LP55 (Part E) of the CLLP
- Visual Impact
- Heritage
- Surface Water Drainage
- Archaeology

#### **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:*

Policy LP2 (tier 8) limits development within the countryside to certain specified uses including “that which is demonstrably essential to the effective operation of agriculture...”

Local policy LP55 Part E of the CLLP sets out the criteria for Non-residential Development in the Countryside.

##### *Osgodby Neighbourhood Plan:*

Policy 4 of the ONP provides criteria for the design and character of new development but is purely based on the character of the village and has no mention of the design and character of development in the open countryside.

Policy 9 of the ONP protects the neighbourhood from external lighting which unacceptably harms the dark skies from light pollution at night.

##### *Concluding Statement:*

The development is for two feed bins to serve an existing agricultural building. The principle of installing two agricultural style feed silos adjacent an agricultural building in the open countryside is considered to amount to

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<sup>1</sup> S55(1) of the Town & Country Planning Act 1990 (as amended)

<sup>2</sup> S73A of the Town & Country Planning Act 1990 (as amended)

agricultural development within the countryside that would lead to the more effective operation of agriculture by providing an on site supply of feed and reducing vehicle movements – the principle is therefore broadly in accordance with policies LP2 and LP55 subject to satisfying all other material considerations including the specific criteria of LP55 Part E of the CLLP.

Assessment of local policy LP55 (Part E) of the CLLP

Local policy LP55 Part E of the CLLP states that “*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”.*

The proposed silos are located adjacent the western end of existing used agricultural building which form part of an established farming business.

Objections have been received in relation to highway safety considerations. The proposed silos are located down a short hardstanding farm track which is accessed off Main Road which is a single countryside lane. The silos are situated within an area of hardstanding with ample external areas to park and turn vehicles.

The agent has stated in email dated 22nd October 2021 that “*The presence of the silos allows for bulk storage and full load deliveries of feed which are a lorry per week. In the absence of the silos and thus no bulk storage on site, there would be a very substantial increase in traffic as feed would need to be delivered to the site daily to fill the internal hoppers.*”

The Local Highways Authority at Lincolnshire County Council have been consulted and have no objections to the development having considered the additional information submitted by the agent in relation to vehicle movements. The location is considered to be suitable in terms of accessibility.

Objections have been submitted in relation to residential amenity but these are more to do with the use of the site than the installation and use of the silos, per se. The objections based on the noise and smell disturbance from the site is created from what appears to be the use of the building for housing pigs. During the Case Officer’s site visit, noise and odour was not experienced, although the visit was for a very short period.

This application is purely for the retrospective installation of two feed bins which would not be expected to produce any smell, and limited noise during the filling up process. The closest residential dwelling is 3 Manor Cottages

which is approximately 37 metres (from the south east boundary corner) from the northern most feed bin. The feed bins due to their separation distance are not considered likely to have an overbearing impact or cause any loss of light to the nearest neighbouring dwellings. It is concluded that the feeds bin do not harmfully conflict with neighbouring uses.

The feeds are of a size and scale which one would normally associate with such structures installed near agricultural buildings. They are not uncharacteristic of a rural area and rural setting.

It is therefore considered that the proposal accords to local policy LP13, and LP55 of the CLLP, policy 4 of the ONP, draft local policy S5 and S46 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP13, LP55 and policy 4 are consistent with the expansion of business, highway safety, visual amenity, residential amenity and open countryside rural economy guidance of the NPPF and can be attached full weight.

#### Visual Impact

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

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

Policy 4 of the ONP protects from inappropriate design, however the policy is based more on the village than the areas of open countryside within the designated Neighbourhood Plan area.

Policy 9 of the ONP protects the dark skies more associated to the open countryside from inappropriate external lighting.

The ONP Design Character Appraisal designates the site as in the rural area stating that:

*“This covers all the rest of the parish outside of the settlements and consists the East of woodlands, mainly belonging to the Forestry Commission, with farmlands over the rest. The exception is Kingerby wood, part of an ancient forest, which stands in the south of the parish bordering alongside top road (A1103) finishing in the west with the Ancholme, a canalized river running from Bishop Bridge to the Humber.*

*Most buildings are farmsteads with a few farm-workers’ cottages, the exception being the 10 Acres Café (built on the site of an old hospital) on Top Road. Buildings range from large farm houses to small bungalows, mostly brick built and roofed with concrete tiles or artificial slate”.*

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.

Objections from residents have been received in relation to visual amenity.

As previously stated the feed bins are galvanised measuring approximately:

- Feed Bin 1 – 8.9 metres high with a 2.8 metre diameter
- Feed Bin 2 – 8.3 metres high with a 2.8 metre diameter

The size and scale of the feed bins has been considered earlier in this report. The site visit included taking in views of the feed bins from various public highways. The feed bins are well hidden by existing high boundary trees. Any views of the feed bins are from the rear areas of the immediate residential dwellings to the north west and agricultural uses to the north and there did not appear to be any wider views of the feed bins observed from the officer site visit. The area is not designated for its special scenic or landscape quality. Any views of the feed bins are seen in context with their agricultural setting. The proposal does not include any external lighting so would not impact on the dark skies at night.

It is therefore considered that the proposal does not have a significant harmful visual impact and accords to local policy LP17 and LP26 of the CLLP, policy 4 and 9 of the ONP, draft local policy S52 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP17, LP26, 4 and 9 are consistent with the visual amenity guidance of the NPPF and can be attached full weight.

### Heritage

The heritage assets to the north east were not advertised on the site notice due to the separation distance from the site. However objections have been received in relation to the impact of industrialisation of the site on the heritage assets.

The feed bins are over 200 metres from the boundary of the Medieval Castle and Ecclesiastical Complex (Scheduled Ancient Monument) and over 300 metres from both listed buildings. The feed bins although higher than the agricultural building are to the far west of the overall agricultural site and in context with their setting. A deep belt of trees lies between the feed bins and the heritage assets.

The Authority's Conservation Officer has been consulted and advises that in her professional view, the development does not harm the setting of designated heritage assets. As the definition of setting includes how a setting is experienced as well as visual harm, she has confirmed that she has considered the wider definition of setting in reaching this conclusion.

Whilst the comments of other parties are noted, the proposal is not considered to have a harmful impact on the nearest heritage assets and their setting is preserved. The development therefore accords to local policy LP25 of the CLLP, policy 4 of the ONP, draft local policy S56 of the DCLLPR, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

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

#### Surface Water Drainage

The application form states that surface water is disposed of to a soakaway which is encouraged as a form of sustainable urban drainage system. The feed bins are sited on existing impermeable hardstanding therefore do not increase or decrease surface water flooding which would have occurred prior to 1st April 2020 (feed bins installation date).

Therefore the proposal does not have a harmful surface water drainage impact and accords to local policy LP14 of the CLLP, policy 4 of the ONP, draft local policy S20 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP24 and 4 are consistent with the heritage guidance of the NPPF and can be attached full weight.

#### Archaeology

The ground below the feed bins and around the overall site has already been disturbed by the existing hardstanding and agricultural buildings.

Therefore the proposal does not therefore have a harmful archaeological impact and accords to local policy LP25 of the CLLP, draft local policy S56 of the DCLLPR and the provisions of the NPPF.

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



## **Other Considerations:**

### The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (“EIA Regulations”)

Representations have been received in relation to the lack of an Environmental Impact Assessment for this site and its use for pig rearing purposes.

However, the “development” under assessment is only for the two feed silos, and not the use of the building for livestock.

Section 17(b) of Schedule 1 of the EIA Regs sets out that an Environmental Impact Statement is mandatory when intensive pig rearing developments exceed 3,000 places for production pigs (over 30kg) or 900 sows.

Section 1(c) of Schedule 2 of the EIA Regs requires the local planning authority to complete a screening opinion to assess if a development requires an Environmental Impact Statement when any developments new floor space exceeds 500m<sup>2</sup>.

The use of the site is understood to be for 1,800 pigs within an existing farm building, however the development the development (two feed bins) does not comprise development under either schedule 1 or 2, of the regulations.

The development applied for in this application is for two feed silos sat adjacent to the west of the building. Whilst the feed silos may facilitate the building they are not used specifically for accommodating pigs and would not increase the floor space by more than 500m<sup>2</sup>. Nor does the development “enable” the use of the building for housing livestock – it would remain possible for the building to house pigs without the development.

The development, being the provision of two feed bins, does not meet the criteria in either schedule 1 or 2 of the EIA Regulations, and does not therefore comprise “EIA Development” under the EIA Regulations. An Environmental Statement is not required.

### Community Infrastructure Levy

The proposed development is not liable for a CIL payment.

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

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and Policy 4 Design and Character of Development and Policy 9 Dark Sky Policy of the Osgodby Neighbourhood Plan and S1 The Spatial Strategy and Settlement Hierarchy, S5

Developments in the Countryside, S7 Reducing Energy Consumption – Non-Residential Development, S20 Flood Risk and Water Resources, S46 Accessibility and Transport, S52 Design and Amenity and S56 The Historic Environment of the Draft Central Lincolnshire Local Plan Review in the first instance. Consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Code.

In light of this assessment it is considered that the principle of the proposal for two feed bins next to an agricultural building in the open countryside is appropriate development within this rural environment. The feed bins are in context with the rural agricultural setting and do not cause unacceptable harm to the character and appearance of the site, the area or the intrinsic beauty and nature of the surrounding open countryside. The feed bins do not unacceptably harm the living conditions of the nearest neighbouring occupiers or harm highway safety, archaeology or surface water drainage.

**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**

**Recommended Conditions:**

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

NONE

**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. 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 drawings:

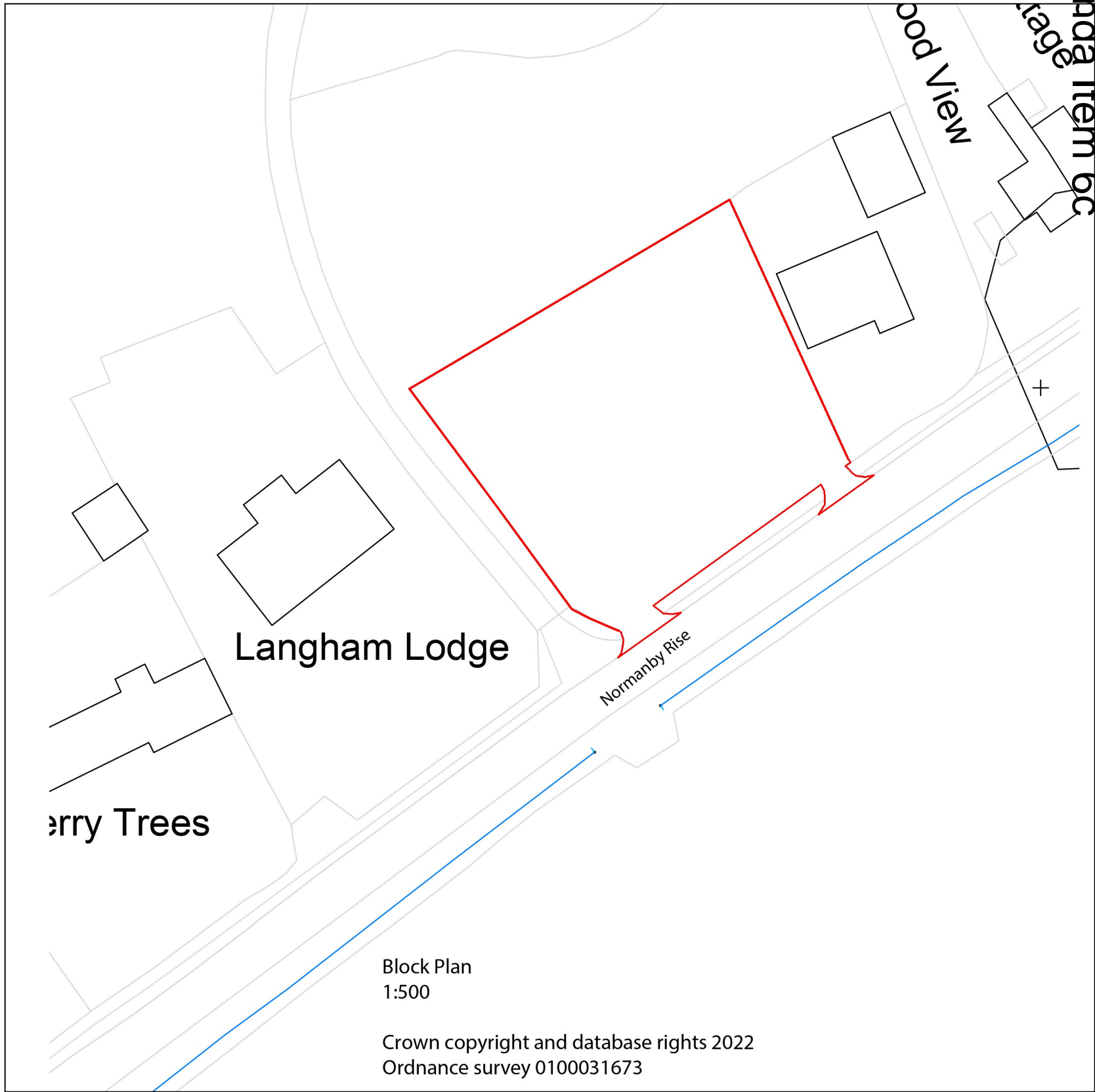
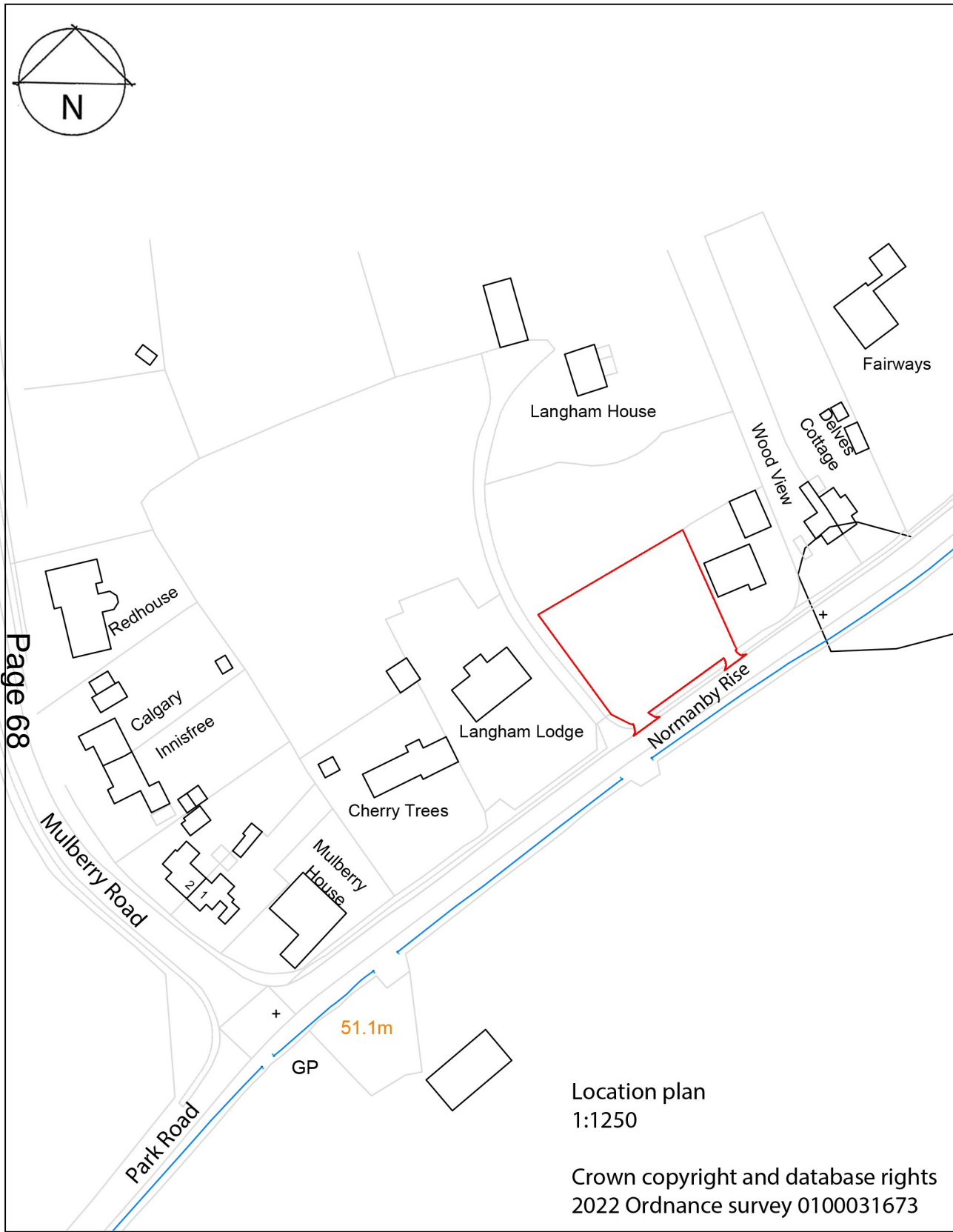
- IP/HDFC/02 dated September 2021 – Site Plan
- IP/HDFC/03 dated September 2021 – Elevation and Floor Plans

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 LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy 9 of the Osgodby Neighbourhood Plan.

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

NONE



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Figured dimensions ONLY to be taken from this drawing  
 ALL dimensions to be checked on site.  
 Consultants must be informed immediately of any discrepancies before work proceeds.

Normanby Rise, Claxby  
 Augustine John Developments  
 Drawing 001A/0199  
 05/01/22

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**PROPOSED BLOCK AND  
 LOCATION PLAN  
 TO NOTED SCALES AT 100% A3**

## **Officers Report**

### **Planning Application No: 144217**

**PROPOSAL:** Planning application for 2no. bungalow dwellings - resubmission of application 143410

**LOCATION:** Land north of Normanby Rise Claxby Market Rasen

**WARD:** Wold View

**WARD MEMBER(S):** Cllr T Regis

**APPLICANT NAME:** Augustine John Developments

**TARGET DECISION DATE:** 03/03/2022

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

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The application is being referred to the Planning Committee for determination due to its past planning history with the previous application (143410) having been refused at the 1 December 2021 Planning Committee.

#### **Description:**

The application site is located on the northern side of Normanby Rise, within the built foot print of Claxby. The site is currently vacant scrubland and is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB), surrounded by dwellings off Normanby Rise to the north (Langham House a two storey detached dwelling), north east (Wellington House a two storey detached dwelling) and south west (Langham Lodge a detached bungalow) The highway bounds the site to the south east, beyond which is open agricultural land.

The site is allocated as "Important Open Space" in the Central Lincolnshire Local Plan.

This application (144217) has been submitted in order to overcome the reason(s) for refusal (see below) for the previous application 143410 which proposed to erect 4no. semi-detached dwellings.

The planning application seeks permission to erect 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling has an access off Normanby Rise which leads to off road car parking, turning areas and an attached single garage for each property. Garden space is mainly located to the rear (north) but there is landscaping on all sides and trees and hedging are proposed mainly on the southern and western boundaries. Each dwelling is 6.3 metres to the ridge and 2.9 metres to the eaves with a single storey element housing the garage which has the same eaves height and a ridge height of approximately 5.2 metres.

## **Town and Country Planning (Environmental Impact Assessment) Regulations 2017:**

The development is within a 'sensitive area' as defined in Regulation 2(1) of the Regulations (the Lincolnshire Wolds Area of Outstanding Natural Beauty) and has therefore been assessed in the context of Schedule 2 of the Regulations. After taking account of the criteria in Schedule 3 it has been concluded that the development is not likely to have significant effects on the environment by virtue of its nature, size or location. Therefore the development is not 'EIA development'.

### **Relevant history:**

#### The current application site

**143410** - Planning application for 4no. semi-detached dwellings. Refused 2/12/2021 '1. *The proposal for four dwellings on this site would cause significant harm to the character and appearance of the local area and the loss of an allocated Important Open Space. The proposal is not an appropriate location for the proposed development and clear local community support has not been demonstrated for the proposal. The proposal conflicts with policies LP2, LP4 LP17, LP23 and LP26 of the Central Lincolnshire Local Plan.*'

**141919** - Outline planning application to erect 1no. dwelling - all matters reserved – approved January 2021

**W21/447/95** - Outline planning application to erect 1 dwelling. (Renewal of W21/203/92 dated 4/6/92) – approved September 1995

**W21/1036/87** - Erect dwelling and construct access – approved May 1998 (south western half of the site only)

#### The current application site and land to the north-west

**M02/P/1123** - Vary condition 1 of outline planning permission 98/P/0066 to erect four dwellings, further 3 years for submission of details – refused January 2003

**98/P/0066** - Outline planning application to erect four dwellings (including site with existing permission) – approved March 1998

**97/P/0448** - Outline planning application to erect four dwellings and amend position of existing approved dwelling in accordance with amended plan received 13 November 1997 – refused December 1997

### **Representations:**

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

**Claxby Parish Council:** Now the plans have been amended to make the development more in keeping with the environment in terms of scale and design, the Parish Council have agreed to approve the plans. One proviso is that, given the current poor drainage on the site, care is taken in dealing with the drainage, when building, particularly if the new properties are built on "rafts", to make sure that water run-off does not contribute to the already extensive volume of water running down the hill to flood the gardens at the bottom of the hill.

**Local residents:** No representations received to date.

**LCC Highways / Lead Local Flood Authority:** Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application. Two informatives are suggested.

**LCC Archaeology:** No representations received to date.

**Environmental Protection:** Requests that the following condition is attached to the decision notice if it is minded to grant permission:

*'If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.'*

*Reason: In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy LP16 of the Central Lincolnshire Local Plan.'*

**Lincolnshire Wolds AONB Officer:** I can confirm that we have no objection to the new planning application ref: 144217, for two bungalows as detailed for the land north of Normanby Road, in Claxby. The site is in the nationally protected Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) so the scaling and design of the properties has been an important consideration to help integrate the housing development within the immediate and wider surroundings of the village.

The proposed revised dwellings are of a fairly standard and uniform style and design, functioning as a matching pair of bungalows; we welcome the additional soft landscaping measures proposed, including the re-laying and re-stocking of the front hedgeline, which will help to ameliorate the new dwellings into the rural street scene. We would recommend the use of an additional planning condition here to help ensure the retention of a front hedgerow at these properties. This would help minimise any future risk of

more open frontages, including potentially views to further parked cars and other vehicles within the properties driveways and turning circles.

**IDOX checked:** 11/02/2022

**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 April 2017).

**Development Plan:**

The following policies are particularly relevant:

\*Central Lincolnshire Local plan

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP16: Development on Land Affected by Contamination

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP23: Local Green Space and other Important Open Space

LP26: Design and Amenity

*\*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP16 is consistent with NPPF paragraphs 183 as they both seek to ascertain if the ground conditions of a particular site are suitable for the proposed use. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity. LP23: Local Green Space and other Important Open Space is consistent with chapter 8 of the NPPF as they both seek to protect open space and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

**Draft Central Lincolnshire Local Plan:**

Policies of the Draft Plan which are considered relevant to this application are:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution



Policy S4: Housing Development in or Adjacent to Villages  
Policy S6: Reducing Energy Consumption – Residential Development  
Policy S20: Flood Risk and Water Resources  
Policy S46: Accessibility and Transport  
Policy S48: Parking Provision  
Policy S52: Design and Amenity  
Policy S55: Development on Land Affected by Contamination  
Policy S59: Protecting Biodiversity and Geodiversity  
Policy S60: Biodiversity Opportunity and Delivering Measurable Net Gains

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. 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) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

### Neighbourhood Plan

No plan currently being prepared.

### 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 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/publications/national-design-guide>
- **National Design Code (2021)**  
<https://www.gov.uk/government/publications/national-model-design-code>

#### Other- AONB

S85 (1) of the Countryside and Rights of Way Act 2000;

*"S85(1) - 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."*

<https://www.legislation.gov.uk/ukpga/2000/37/section/85>

#### Lincolnshire Wolds AONB Management Plan 2018-2023

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

1. the Lincolnshire Wolds' natural beauty and its landscape character
2. farming and land management in the Wolds as the primary activities in maintaining its character, landscape and biodiversity
3. recreational, tourism and interpretive activities and opportunities appropriate to the area
4. the economic and social base of the Wolds including the development and diversification of enterprises appropriate to the area
5. partnerships between organisations, the local community, landowners and others with an interest in the Wolds.

<https://www.lincswolds.org.uk/our-work/management-plan>

#### **Main issues:**

- Principle of Development
- Area of Outstanding Natural Beauty / Character and Visual Impact
- Residential Amenity
- Access and Parking
- Ecology and Landscaping
- Foul and Surface Water Drainage
- Other Matters

#### **Assessment:**

## **Principle of Development**

*Central Lincolnshire Local Plan 2012-2036:*

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Policy LP2 defines Claxby as a small village. Small villages are allocated small scale development of a limited nature subject to appropriate locations, unless clear local community support is demonstrated for a proposal. Proposals will be considered on their merits but would be limited to around 4 dwellings.

This policy also sets out the definition of ‘appropriate locations’ as a location which does not conflict when taken as a whole with national policy or policies in this local plan (such as, but not exclusively LP26). In addition to qualify as an appropriate location the site would need to retain the core shape and form of the settlement, not significantly harm the settlements character and appearance and not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

The Local Plan defines the developed footprint/defined built form of the village as the continuous built form of the settlement and excludes:

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*
- b. gardens, paddocks and other undeveloped land within the curtilage of buildings on the edge of the settlement where land relates more to the surrounding countryside than to the built up area of the settlement;*
- c. agricultural buildings and associated land on the edge of settlement; and*
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of settlements.*

As noted earlier within this report, the site is allocated as “Important Open Space” in the Central Lincolnshire Local Plan and is another key consideration as to whether this site is an appropriate location for the proposal. Policy LP23 applies to proposals in such locations and states that: *“An area identified as an Important Open Space on the Policies Map is safeguarded from development unless it can be demonstrated that:*

- a. In the case of publicly accessible open space, there is an identified over provision of that particular type of open space in the community area and the site is not required for alternative recreational uses or suitable alternative open space can be provided on a replacement site or by enhancing existing open space serving the community area; and*
- b. In the case of all Important Open Spaces, there are no significant detrimental impacts on the character and appearance of the surrounding area, ecology and any heritage assets.”*

Whilst there is an existing Outline consent on this site for a single dwelling (ref. 141919), it is not clear to what extent the above policy was considered during the determination of that application. The site is not publically accessible open space and so criterion ‘a’ of the policy does not apply. The

previous application was in Outline with all matters reserved, and as such, the scale, appearance, layout, access and landscaping of the proposal was still be determined at reserved matters stage. As such, it is reasonable to conclude that a sensitively designed dwelling with appropriate landscaping, set within spacious grounds, could be accommodated within the site without detrimental impacts on the character and appearance of the surrounding area, ecology (which can be dealt with by planning conditions/informative notes) and any heritage assets (of which there are none in close enough proximity to be affected). This site was, and is, therefore considered to be acceptable in principle for a single dwelling, subject to the above considerations, and benefits from planning permission for such.

The site, whilst somewhat unkempt, is nonetheless locally valuable open space. Paragraph 5.8.5 of the CLLP identifies that *“other open spaces, including those not publicly accessible, provide breaks in the street scene and may allow views of the surrounding countryside to be enjoyed from within the settlement”*.

Although the principle of development for one dwelling has been established through the existing outline consent (141919) and it was considered that the previously refused proposal (143410) for four dwellings would have resulted in the entire loss of the amenity value of the site, it is considered that this proposal for two 1.5 storey dormer style dwellings will protect the amenity value of the site as the proposal keeps a large proportion of the openness of the site by providing substantial landscaping on all sides of the proposed dwellings with views through the middle of the site to the remaining open space to the north being preserved. Trees and hedging are also proposed mainly on the southern and western boundaries

The proposal accords with the scale of development identified by policy LP2 of up to 4 dwellings. The proposed site, flanked by dwellings to the north, north east and south west and by the highway to the south east, is considered to be located within the existing developed footprint/built up form of the village. The proposal would retain the core shape and form of the settlement.

Local policy LP4 identifies that Claxby has a growth level of 10%. An updated table of remaining growth for housing in medium and small villages has been completed (dated 21<sup>st</sup> January 2022) by the Local Planning Authority to sit alongside the adopted CLLP<sup>1</sup>. This confirms that Claxby has 80 dwellings which equates to a permitted growth level of 7 additional dwellings (this figure takes into account the one dwelling already approved by outline planning permission ref. 141919 on the application site).

Therefore Claxby has a remaining housing growth of 7 dwellings. This site would provide 2 dwellings and would therefore not exceed the 10% growth allowance permitted under policy LP4. Technically, the approval of this proposal would result in an increase of two dwellings approved as both this

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

proposal and the previously approved outline proposal could not both be built as the footprints overlap. A growth level of 5 dwellings would remain as a result of this development.

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

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

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

The proposal is considered to represent an infill site within the first category of the above sequential contained within policy LP4 of the CLLP.

*Concluding Statement:*

The site is an infill plot within the settlement of Claxby and would provide two dwellings towards the allocated housing growth for Claxby in local policy LP4 of the CLLP.

It is considered that this proposal for two 1.5 storey dormer style dwellings will protect the amenity value of the site as the proposal keeps a large proportion of the openness of the site by providing substantial landscaping on all sides of the proposed dwellings with views through the middle of the site to the remaining open space to the north being preserved. Trees and hedging are also proposed mainly on the southern and western boundaries

The principle to develop two dwellings here is acceptable as the site is considered to be an appropriate location within the built form of the village and will contribute to the allocated housing growth apportioned to Claxby in the adopted Central Lincolnshire Local Plan.

**Area of Outstanding Natural Beauty - Character and Visual Impact**

The site lies within the Lincolnshire Wolds AONB. Section 85(1) of the Countryside and Rights of Way Act 2000 requires that the local authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty. Policy LP17 seeks to protect and enhance the intrinsic value of our landscape and townscape. The considerations of Policy LP17 are particularly important when determining proposals which have the potential to impact upon the Lincolnshire Wolds AONB. The Lincolnshire Wolds has a strong unity of visual character, characterised by open plateau hilltops, sweeping views, strong escarpments, wide grass verges and ridge-top route ways, dramatic wooded slopes and

valleys, beech clumps, attractive villages often nestled in hill folds, and natural and historic features of great interest.

To accord with the provisions of Policy LP17 development 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.

Policy LP26 also states that the proposal should respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

The Lincolnshire Wolds AONB Management Plan 2018 – 2023 seeks to protect and enhance local character and distinctiveness through the highest quality of design in new development, including making space for biodiversity and tackling climate change. As noted earlier within this report, the site is an allocated Important Open Space.

The site is adjoined by residential properties to the north, west and east and is considered to be an infill plot within the built footprint of Claxby. The proposed dwellings would be viewed in the context of these surrounding dwellings. These and other dwellings on Normanby Rise vary in terms of design, scale and appearance. There are bungalows, dormer bungalows and two storey dwellings, with Langham Lodge to the west being a detached bungalow and Langham House to the north and Wellington House to the east both being two storey detached dwellings.

The planning application seeks permission to erect 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling is 6.3 metres to the ridge and 2.9 metres to the eaves with a single storey element housing the garage which has the same eaves height and a ridge height of approximately 5.2 metres.

The proposed dwellings will be set back from the road as are the existing dwellings to the west and to the east of the site and will be of a traditional design which will utilise red brick for the external walls. The scale of the proposed dwellings (1.5 storey) will also complement the bungalow to the west and the two storey dwelling to the east.

The location of the dwellings on the plot will allow for landscaping on all sides of the dwellings and the existing hedge at the front will be 'laid' and under planted as necessary. The western boundary will also be planted with hedging and trees.

It is therefore considered that with appropriate conditions to secure materials and landscaping that the proposal would not have a detrimental impact on the AONB and would not harm the character and appearance of the street-scene. The proposal is considered to accord with Policy LP17 and LP26 of the Central Lincolnshire Local Plan and the NPPF.

### **Residential Amenity**

Policy LP26 of the CLLP states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light, noise or over dominance.

The planning application seeks permission to erect 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling is 6.3 metres to the ridge and 2.9 metres to the eaves with a single storey element housing the garage which has the same eaves height and a ridge height of approximately 5.2 metres.

There are large separation distances between the proposed dwellings and Langham Lodge to the west and Langham House to the north. Wellington House to the east is located approximately 5.9 metres away from the main (highest) part of the nearest proposed dwelling and approximately 3 metres at the closest point from the attached single storey garage off the east elevation of this nearest proposed dwelling. There are no issues with overshadowing and over dominance.

The front (south) elevation of each dwelling will overlook the off road car parking and landscaping to the front of the dwelling with Normanby Rise and open countryside beyond. The rear (north) elevations will overlook the rear gardens of the proposed dwelling with the remaining open space further to the north. The west elevation of Unit 1 (towards the western boundary) will have a set of bi-fold doors a solid door and part of a bay window at ground floor level and a roof light over a landing, which will look out onto the landscaping and off road car parking afforded the proposed dwelling to the side and boundary treatments and a track beyond. The east elevation will four windows, a door and part of a bay window at ground floor level and a roof light over a bathroom, which will look out onto the landscaping afforded the proposed dwelling to the side and boundary treatments.

The west elevation of Unit 2 (towards the eastern boundary) will have three windows, a set of bi-fold doors, a door and part of a bay window at ground floor level and a roof light over a bathroom, which will look out onto the landscaping afforded the proposed dwelling to the side and boundary treatments. The east elevation will have a window, a solid door and part of a bay window at ground floor level and a roof light over a landing and will look out onto the landscaping and off road car parking afforded the proposed dwelling to the side and boundary treatments beyond.

There are no overlooking issues with the proposed dwellings.

It is therefore considered that the proposed dwellings will not have a harmful impact on the living conditions of neighbouring dwellings or that of the occupants of the proposed dwellings. The proposal is considered to accord with Policy LP26 of the Central Lincolnshire Local Plan and the NPPF.

### **Access and Parking**

Policy LP13 of the Central Lincolnshire Local Plan 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.

The planning application seeks permission to erect 2no. (3 bed) 1.5 storey dormer style bungalows, facing Normanby Rise. Each dwelling has an access off Normanby Rise which leads to off road car parking, turning areas and an attached single garage for each property.

Lincolnshire County Council's Highways Team have no objections to the scheme and the proposal is considered to be acceptable in terms of access and parking arrangements, traffic generation and highway safety. If it is minded to grant permission the two informatives suggested by the Highways Authority will be attached to the decision notice.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The proposed car parking and access arrangements detailed above are considered to be sufficient for 2no. (3 bed) 1.5 storey dormer style bungalows. The proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF.

### **Ecology and Landscaping**

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”.*



The existing site is considered to be of low quality in terms of potential for ecological value. The proposal offers an opportunity to provide landscape planting and biodiversity enhancements, in accordance with policy LP21 of the CLLP and the provisions of the NPPF which can be secured by planning condition.

The proposal would involve the applicant 'laying' the existing hedgerow at the frontage of the site and under planting the hedgerow as required. It is possible therefore that protected species could be encountered during site work, e.g. nesting birds. It is therefore considered appropriate to attach an informative note to any grant of planning permission to remind the applicant of their duty under relevant protected species legislation.

### **Foul and Surface Water Drainage / Flood Risk**

The application form identifies that surface water will be managed by a sustainable drainage system and foul water is proposed to be dealt with by connection to the main sewer. The appropriateness of the intended method(s) cannot be assessed at this stage; if permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended

A condition could also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

### **Other Matters**

#### **Permitted Development**

The site is located within the Lincolnshire Wolds AONB and is located on important open space. If it is minded to grant permission certain permitted development rights should be removed in order to protect the AONB and retain the openness of the landscaping around the dwellings.

Another condition will be attached to the decision notice if it is minded to grant permission to retain the hedges on the western and southern boundaries of the site.

#### **Contamination**

If it is minded to grant permission the condition recommended by Environmental Protection will be attached to the decision notice.

#### **Main Drain**

A neighbouring dwelling mentioned on the previous application (143410) that there is a main drain running through the centre of the site. If it was minded to grant planning permission an informative would be attached to the decision notice.

### **Conclusion**

The proposal has been considered in light of relevant development plan policies, namely policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP16: Development on Land Affected by Contamination, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity, LP23: Local Green Space and other Important Open Space and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance

The principle to develop two dwellings here is considered to be acceptable as the site is considered to be an appropriate location within the built form of the village and will contribute to the allocated housing growth apportioned to Claxby in the adopted Central Lincolnshire Local Plan. Furthermore, the proposal would not harm residential amenity and with appropriate conditions to secure materials and landscaping the proposal would not have a detrimental impact on the AONB and would not harm the character and appearance of the street-scene. The proposal is also considered to be acceptable in terms of access and parking arrangements, traffic generation and highway safety.

**Recommendation: Grant planning permission subject to the conditions below**

**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: 020/0199 dated 20/12/2021, 020/0199 dated 14/12/2021 and 030/1099 dated 20/12/2021. 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 in the interests of proper planning.

3. No development, other than to foundations level shall take place until the proposed new walling, roofing, windows, doors and other external materials have been submitted to and approved in writing by the local planning authority. The development shall thereafter be constructed in accordance with the approved details. The details submitted shall include; the proposed colour finish, rainwater goods and type of pointing to be used.

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

4. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

5. New hardstanding shall be constructed from a porous material or shall be appropriately drained within the site and shall be retained as such thereafter.

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

6. No development, other than to foundations level shall take place until, a scheme of landscaping including details of the size, species and position or density of any trees and hedging to be planted and boundary treatments (including boundaries within the site) and hardstanding have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

**Reason:** To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the Lincolnshire Wold AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

7. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

**Reason:** In order to safeguard human health and the water environment as recommended by Environmental Protection in accordance with Policy LP16 of the Central Lincolnshire Local Plan.

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

**8.** All planting and turfing approved in the scheme of landscaping under condition 6 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging 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. The landscaping should be retained thereafter.

**Reason:** To ensure the site is visually softened by appropriate methods and to enable any such proposals to be assessed in terms of their impact on the Lincolnshire Wold AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**9.** The hedge along the southern boundary and western boundary of the site as shown on Drawing No. 030/1099 dated 20/12/21, must be laid and/or planted prior to the occupation of the approved dwellings, and shall be retained and maintained at a height of not less than 1.8 metres in perpetuity.

**Reason:** To ensure the site is visually softened by appropriate methods and to protect the Lincolnshire Wolds AONB in accordance with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**10.** Notwithstanding the provisions of Classes A, AA, B, C, D, and E of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015, or any Order revoking and re-enacting that Order, the building hereby permitted shall not be altered or extended, no new windows shall be inserted, and no buildings or structures shall be erected within the curtilage of the host dwelling, no new hardstanding and gates, walls or fences unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the living conditions of the host and neighbouring dwellings and the resulting amount of space around the host dwelling and to safeguard the character and appearance of the dwellings and its surroundings in accordance with Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

**Notes to the Applicant**

### Laying the hedge/Bird Nesting

The proposal would involve the applicant 'laying' the existing hedgerow at the frontage of the site and under planting the hedgerow as required. It is possible therefore that protected species could be encountered during site work, e.g. nesting birds.

The hedge should not be 'laid' during the main breeding season for nesting birds, which usually runs throughout March to August each year.

### Main Drain

A neighbouring dwelling mentioned on the previous application (143410) that there is a main drain running through the centre of the site.

### Highways

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. The works should be constructed in accordance with the Authority's specification that is current at the time of construction. Relocation of existing apparatus, underground services or street furniture will be the responsibility of the applicant, prior to application. For application guidance, approval and specification details, please visit

<https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb> or contact [vehiclecrossings@lincolnshire.gov.uk](mailto:vehiclecrossings@lincolnshire.gov.uk)

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following links:

Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Licences and Permits - <https://www.lincolnshire.gov.uk/licences-permits>

### **Human Rights Implications:**

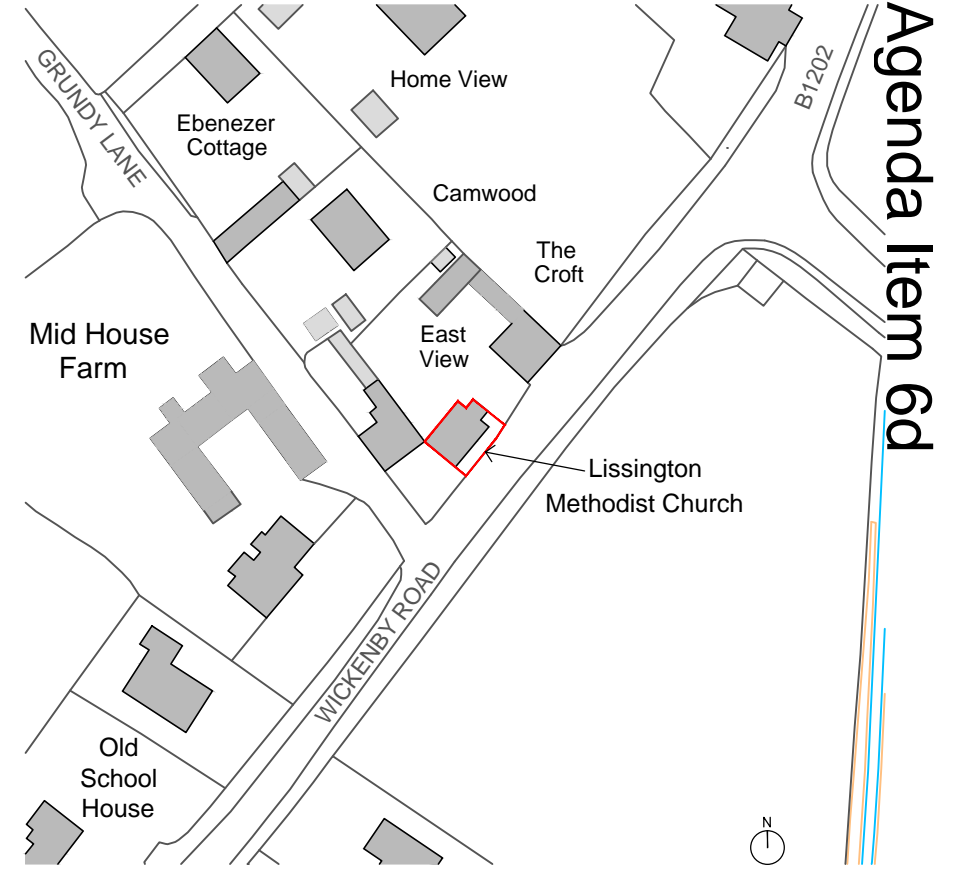
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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



Septic Tank Location Plan  
Scale 1:100



Site Location Plan  
Scale 1:1250

Ms J Parsons Former Methodist Chapel Wickenby Road Lissington Lincolnshire LN3 5AE	
Site Location Plan & Septic Tank LocationPlan	
Date: 10.11.21	Scale: 1:1250 and 1:100 @ A3
Drawing No: LC2020-01	Revision:

## **Officers Report**

### **Planning Application No: 143981**

**PROPOSAL:** Planning application for change of use from former Methodist Chapel to a dwelling to include interior alterations and exterior refurbishment.

**LOCATION:** The Former Methodist Chapel Wickenby Road Lissington  
Lincoln LN3 5AE

**WARD:** Dunholme and Welton

**APPLICANT NAME:** Miss Jo-Anne Parsons

**TARGET DECISION DATE:** 04/03/2022

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Grant with conditions attached.

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The application is being referred to the Planning Committee for determination as the applicant is from the immediate family of an officer of the Council.

#### **Description:**

The application site is a detached single storey former chapel which is situated close to the highway within the settlement of Lissington. The application site has no amenity area associated with the Chapel although does include a small area of hardstanding to the southeast next to the highway. The chapel is currently not in use and there is evidence of dilapidation on the exterior of the building, including on the roof.

To the south east of the site is Wickenby Road with a field beyond. To the north west is a two storey detached dwelling (Snowdon Grundy Lane) and to the northeast is a driveway and off road car parking belonging to 'The Croft. Wickenby Lane' which is also a two storey detached dwelling. To the north to the rear of the Chapel is the wider garden belonging to 'The Croft'.

The application seeks permission for a change of use from a former Methodist chapel to a one bed single storey dwelling to include interior alterations and exterior refurbishment.

#### **Relevant history:**

**135016** - Planning application for change of use from former Methodist Chapel to dwelling. Granted 13/02/2017.

#### **Representations:**

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

**Lissington Parish Meeting:** We welcome this application to take into use a property which has been unoccupied for at least 20 years, and is becoming an eyesore, and we thank the applicant for trying to preserve an iconic village landmark. The stone plaque on the front wall, engraved “Methodist Chapel 1863”, should be retained to mark the history of the building.

The applicant usefully emailed WLDC on 14 December 2021, to confirm that the heating will be electric, so there is no need for us to consider space for storing oil/gas/solid fuel.

Septic tank and surface water soakaway. The original plans for a septic tank and surface water soakaway at the front of the building are under review at the time of this response. We may therefore wish to make further comment later.

Car parking. The applicant should be asked to confirm that the existing 1600mm wide 150mm high concrete plinth will be removed along the whole length of the building and lowered to the same level as the road surface, so long as plinth removal does not weaken the building structurally. This creates a parking area abutting the building, which is the only space for safe off-road parking. Otherwise, cars would have to be parked on the carriageway. The applicant should please confirm that the car parking space will be hard up against the Chapel wall. This would be on top of the septic tank and surface water soakaway if the proposals were to remain as in the original application.

External Storage. Application Section 7 says wheelie bins will also be stored at the front of the Chapel, and hopefully they will be hidden in a cupboard - for aesthetic reasons.

Windows Overlooking Neighbouring Property. The existing and proposed plans both show 3 windows (2 in the NW wall and a single round one in the NE wall) which overlook the neighbouring property The Croft. We request that all 3 windows remain fixed and fully glazed with privacy glass which maintains The Croft residents’ privacy.

Access to Neighbouring Land. There is very limited access to the Chapel building. This will make it almost inevitable that there will be significant impact upon The Croft’s property in particular, specifically to the landscaped garden, and that it will cause both damage and nuisance directly to the residents of The Croft. East View will also be affected, but to a lesser extent.

Road Safety and job scheduling during conversion work. The creation of the off-road parking space referred to above needs to be scheduled very early in the project. This will then enable a tradesperson’s van to be parked in this space, and off the carriageway, for the duration of the project. We disagree with LCC Highways 10 December 2021 letter that this proposal does not have an impact on the public highway.



Working hours. Permitted times of work will need to be stated before planning permission is finalised.

**Local residents:** No representations received to date.

**Building Control:** Definitely not a septic tank. A package treatment plant possibly, but it would have to work with crate soakaways and this isn't always possible. The tank isn't so much of a problem (it can be designed and installed to have no effect on the building or road) but the soakaway discharge adjacent the building and highway is.

**LCC Highways and Lead Local Flood Authority:** This proposal to convert former Methodist Chapel to a dwelling does not have an impact on the Public Highway or Surface Water Flood Risk. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

**Archaeology:** The proposed development involves conversion of the former Lissington Free Methodist Chapel. The chapel is recorded in the Lincolnshire Historic Environment Record, and was identified as part of the County Council's previous Chapels research project. It could be considered a non-designated heritage asset, having been built in 1863 and being of local historic importance and architectural interest.

It is recommended that historic building recording is required prior to development as the proposed conversion will involve alteration to historic fabric and subdivision of the historic interior. It is therefore beneficial to create a record of the chapel before any alteration or conversion takes place.

Recommendation: It is recommended that, prior to any conversion or alteration, the developer should be required to undertake full historic building recording.

**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:**

The following policies are particularly relevant:

\*Central Lincolnshire Local Plan 2012-2036

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP3: Level and Distribution of Growth

LP4: Growth in Villages.  
LP13: Accessibility and Transport  
LP14: Managing Water Resources and Flood Risk  
LP15: Community Facilities  
LP17: Landscape, Townscape and Views  
LP25: The Historic Environment  
LP26: Design and Amenity

*\*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2, LP3 & LP4 are consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP5 is consistent with chapter 6 of the NPPF as they both seek to create a strong and sustainable economic growth. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP15 is consistent with paragraphs 84 and 93 of the NPPF as they both seek to protect existing community facilities and provide for new and enhanced community facilities. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic environment and LP26 is consistent with section 12 of the NPPF in requiring well designed places. The above policies are therefore attributed full weight.*

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

#### Draft Central Lincolnshire Local Plan:

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. 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) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some

weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

Neighbourhood Plan:

No plan is currently being prepared.

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 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/publications/national-design-guide>
- **National Design Code (2021)**  
<https://www.gov.uk/government/publications/national-model-design-code>

**Main issues:**

- Principle of the Development
- Residential Amenity
- Visual Impact
- Non Designated Heritage Asset
- Archaeology
- Foul and Surface Water Drainage
- Highway Safety and Car Parking
- Other Matters

**Assessment:**

Principle of Development

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

The site is located within the built footprint of Lissington and comprises a redundant single storey chapel between two existing dwellings and is considered to be in the first category of land to be developed under the land availability sequential test in Policy LP4.

In the Central Lincolnshire Local Plan, Lissington is designated as a small village (LP2) within which it is acknowledged there can be up to 10% growth with small scale development of a limited nature (around 4 dwellings per site) being accommodated. As of the 21/01/2022 the following table shows that there is remaining growth of 4 dwellings to be accommodated in North Kelsey:

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

The building subject of this application is a former Methodist Chapel (Use Class F1) which has been closed for many years and there is evidence of dilapidation on the exterior of the building, including on the roof. It is considered that the former Methodist Chapel is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility in accordance with Policy LP15 of the Central Lincolnshire Local Plan.

The Church of St John is also located approximately 233 metres to the north east of the site and planning permission (135016) has been granted in the past to change the use of this former Methodist Chapel to a dwelling.

It is considered that the former Methodist Chapel is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility in accordance with Policy LP15 of the Central Lincolnshire Local Plan. Furthermore, the principle to develop one dwelling here is acceptable as the site is within the built form of the village (an appropriate location) and will contribute to the allocated housing growth apportioned to Lissington in the adopted Central Lincolnshire Local Plan.

#### Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance. The policy also applies to future occupants of development proposals under consideration.

The application seeks permission for a change of use from a former Methodist chapel to a one bed single storey dwelling. No extensions are proposed, and there are no expected issues with loss of light or over shadowing.

In terms of openings the two existing windows and an existing solid entrance door will be utilised in the front (south eastern) elevation which will overlook

Wickenby Road with an open field beyond. The side (south west) elevation will have no openings and the side (north east) elevation will utilise an existing small round window to the entrance lobby. The rear (north west) elevation will utilise two existing windows and a small existing window to a store room, the two existing windows to the rear will overlook 'The Croft's' garden. These windows are currently obscure glazed and a condition will be put in place to ensure that they remain obscure glazed following the conversion of the Chapel.

Some small level of noise will likely result from the application being used as a dwelling, but this is not expected to be unacceptable, from what would be a 1 bedroom dwelling (or from its current authorised F1 Local Community and Learning use). The proposal does not include any garden space as part of the proposal and therefore any noise nuisance caused by the proposal would be contained within the chapel building itself. Further to this the building has been previously used as a chapel which would have resulted in a certain level of noise originally arising from the site. It is therefore considered that the proposal will not harm the living conditions of future occupiers of the proposed dwelling or neighbouring occupiers.

#### Visual Impact

Local Plan 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.

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

It is proposed to convert and re-furbish the existing single storey chapel to form a one bed single storey dwelling. Only existing openings will be utilised in the conversion. It is therefore considered that the proposal will not harm the character and appearance of the street-scene

#### Non Designated Heritage Asset

The proposed development involves the conversion of the former Lissington Free Methodist Chapel. The chapel is recorded in the Lincolnshire Historic Environment Record and is considered to be a non-designated heritage asset.

Policy LP25 of the Central Lincolnshire Local Plan states that development proposals should protect, conserve and seek opportunities to enhance the historic environment of Central Lincolnshire. The proposal will retain the former chapel and will utilise existing openings and appropriate materials. The proposal is therefore considered to accord with the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.

#### Archaeology

The Historic Environment Officer at Lincolnshire County Council recommends that the developer undertakes a historic building record for the former chapel. A condition will be attached to the decision notice if it is minded to grant permission.

#### Foul and Surface Water Drainage

The application form states that a septic tank will be utilised for foul sewerage and states that a soakaway will be used for the disposal of surface water.

Building Control have stated that a *'Definitely not a septic tank. A package treatment plant possibly, but it would have to work with crate soakaways and this isn't always possible. The tank isn't so much of a problem (it can be designed and installed to have no effect on the building or road) but the soakaway discharge adjacent the building and highway is.'*

The National Planning Policy Guidance (Paragraph: 020 Reference ID: 34-020-20140306) states *'Where a connection to a public sewage treatment plant is not feasible (in terms of cost and/or practicality) a package sewage treatment plant can be considered. This could either be adopted in due course by the sewerage company or owned and operated by a sewerage undertaker appointed under a new appointment or variation. The package sewage treatment plant must comply with the general binding rules, or a permit will be required. A package sewage treatment plant must be used if the treated effluent is being discharged to surface water.'*

Therefore, the appropriateness of the intended method(s) cannot be assessed at this stage; if permission was to be granted a planning condition to secure full foul and surface water drainage details would be attached to the decision notice.

#### Highway Safety and Car Parking

Policy LP13 of the Central Lincolnshire Local Plan 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.

Concerns have been raised by the Parish Council in relation to where parking could be provided for the dwelling. Whilst Wickenby Road is wide enough to

accommodate on street parking, there is a small area of hardstanding to the front of the Methodist Chapel which is set back from the highway, this area is to be used as parking and can accommodate a single car without obstructing the highway.

Lincolnshire County Council (LCC) Highways do not object to be proposal.

Paragraph 110 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

The proposed car parking detailed above is considered to be sufficient for the proposed one-bedroom dwelling and the proposal is considered to accord with Policy LP13 of the Central Lincolnshire Local Plan and the NPPF.

#### **Other Matters:**

##### Bin Storage

No details have been provided in terms of an area for bin storage/collection. An appropriately worded condition will be attached to the decision notice if it is minded to grant planning permission.

##### Stone Plaque

An appropriately worded condition will be attached to the decision notice if it is minded to grant planning permission to retain the stone stone plaque on the front wall, engraved 'Methodist Chapel 1863'.

##### Garden Provision

A garden space or area of amenity is not included due to restricted nature of the site. It is however considered acceptable due to the modest size of living space created which can only accommodate a single bedroom and does not represent a reason to withhold consent.

##### Heating

Electric heating will be used negating the need for an external coal/wood store, oil/LPG tank or LPG bottles, as there is no mains gas in this location.

##### Access to Neighbouring Land

This is not a material planning consideration.

Road Safety and job scheduling during conversion work.

There is off road parking.

Working hours

The majority of work will be internal, a condition for working hours is therefore not considered to be needed. Noise at unsocial hours can be covered via Environmental Protection legislation.

**Balancing evaluation and conclusion:**

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP3: Level and Distribution of Growth, LP4: Growth in Villages, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP15: Community Facilities, LP17: Landscape, Townscape and Views, LP25: The Historic Environment and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and the guidance contained in the National Planning Policy Framework and National Planning Practice Guidance.

It is considered that the former Methodist Chapel is demonstrably no longer fit for purpose and the site is not viable to be redeveloped for a new community facility in accordance with Policy LP15 of the Central Lincolnshire Local Plan. Furthermore, the principle to develop one dwelling here is acceptable as the site is within the built form of the village (an appropriate location) and will contribute to the allocated housing growth apportioned to Lissington in the adopted Central Lincolnshire Local Plan.

It is also considered that the proposal would not have a harmful impact on the living conditions of neighbouring occupiers or that of the proposed dwelling and will not have a harmful visual impact on the street scene. Furthermore, it is considered that the proposal would preserve the character and appearance of this non-designated heritage asset and provides an appropriate level of car parking.

**Recommendation: Grant planning permission subject to the conditions below**

**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 works shall take place until a full historic building recording (see notes to applicants below) of the chapels (interior and exterior) has been submitted to and approved in writing by the Local Planning Authority.

**Reason:** To ensure the preparation and implementation of an appropriate scheme of archaeological mitigation and in accordance with the National Planning Policy Framework.

**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 following drawings: LC2020-02 dated 10/11/2021, LC2020-04 dated 10/11/2021 and LC2020-01 dated 10/11/2021. 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 in the interests of proper planning.

4. The materials used in the development shall match those stated on the application form and drawing No. LC2020-04 dated 10/11/2021.

**Reason:** To ensure the use of appropriate materials to accord with the National Planning Policy Framework and Policy LP25 and LP26 of the Central Lincolnshire Local Plan.

5. The stone plaque on the front (south eastern) elevation of the building as shown on Drawing No. LC2020-04 dated 10/11/2021 shall be retained thereafter.

**Reason:** To ensure the use the heritage of this non-designated asset is preserved in accordance with the National Planning Policy Framework and Policy LP25 of the Central Lincolnshire Local Plan.

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

6. The dwelling hereby permitted shall not be occupied until the two large ground floor windows to the north west (rear) elevation (Drawing No: LC2020-02 dated 10/11/2021 and LC2020-04 dated 10/11/2021) have been fitted with obscured glazing and retained as such thereafter.

**Reason:** To prevent unacceptable levels of overlooking on neighbouring properties, in accordance with the National Planning Policy Framework and Policy LP26 of the Central Lincolnshire Local Plan.

7. Notwithstanding Drawing No. LC2020-02 dated 10/11/2021, no occupation of the proposed dwelling, other than internal repairs shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests if necessary) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and prior to occupation of the dwelling.

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

8. No occupation of the proposed dwelling, other than internal repairs shall take place until detailed plans showing the location, design and materials of proposed facilities for the disposal and storage of any refuse/recyclable materials, including details of any bin storage, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be available for use prior to the uses first commencing and shall be permanently retained thereafter, unless otherwise first approved in writing by the Local Planning Authority.

**Reason:** In the interest of public health, residential amenity, visual amenity and highway safety in accordance with the NPPF and Policies LP13, LP17 and 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.

**Notes to the Applicant**

Archaeology

Please contact the Historic Environment Team at Lincolnshire County Council for advice on a brief for the Historic Building Record (condition 2) on 01522 782070.

**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



Planning Committee

2 March 2022

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

Andrew Warnes  
Democratic and Civic Officer  
[andrew.warnes@west-lindsey.gov.uk](mailto:andrew.warnes@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 Musson against the decision of West Lindsey District Council to refuse planning permission to erect 7 no. dwellings with access to be considered at Land on west side of Scothern Road, Nettleham, Lincoln.

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

**Officer Decision** – Refuse

- ii) Appeal by Mr and Mrs T Siddans against the decision of West Lindsey District Council to refuse planning permission for change of use and extension of existing redundant stables building to form two holiday let units for farm diversification at Stable Block, 3 Acre Field, Holt Farm, Stainton Lane, Stainton by Langworth, Lincoln LN3 5BL.

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

**Officer Decision** – Refuse

- iii) Appeal by Mr Casswell against the decision of West Lindsey District Council to refuse planning permission for change of use of land for siting of caravans (lodges), proposed recreation pond with 20 fishing pegs including site levelling using excavated material at Sunnyside Up Farm Shop, Poplar Farm, Tealby Road, Market Rasen, Lincolnshire LN8 3UL.

**Appeal Dismissed** – See copy letter attached as Appendix Biii.

**Officer Decision** – Grant with Conditions

**Committee Decision** – Refuse

- iv) Appeal by Mr Krencius against the decision of West Lindsey District Council to refuse planning permission for change of use of land to site 5 caravans and the creation of lake at Aberfoyle, School Lane, Broadholme, Lincoln LN1 2LZ.

**Appeal Dismissed** – See copy letter attached as Appendix Biv.

**Officer Decision** – Refuse



## Appeal Decision

Site visit made on 18 January 2022

by **Diane Cragg Dip TP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 07 February 2022**

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**Appeal Ref: APP/N2535/W/21/3276638**

**Land on west side of Scothern Road, Nettleham, Lincoln**

- 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 Musson (UKSD Developments Limited) against the decision of West Lindsey District Council.
  - The application Ref: 142449, dated 23 February 2021, was refused by notice dated 21 April 2021.
  - The development proposed is outline planning application to erect 7 no. dwellings with access to be considered and not reserved for subsequent applications.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have used the description on the application form in the banner heading above as there is no agreement to its change. However, the appeal documentation clarifies that the proposal is for entry-level homes, and I have considered the appeal accordingly.
3. The appeal scheme is an outline proposal, with access to be considered at this stage, and with all other matters reserved. I have considered the appeal on this basis. The proposed site block plan shows the access arrangements and indicates how 7 dwellings could be accommodated on the site. I have taken this drawing into account in so far as it relates to the access arrangements. Where the block plan refers to future reserved matters, I have taken it to be for indicative purposes only.
4. The revised National Planning Policy Framework (the Framework) was published on 20 July 2021, and I have had regard to it in reaching my decision.

### Main Issues

5. The main issues are (i) the effect of the proposed entry-level exception site on the character and appearance of the area, and (ii) whether the submitted Section 106 Agreement would secure the provision of entry-level homes.

### Reasons

#### *Planning policy*

6. The Framework states that Local Planning Authorities should support entry-level exceptions sites, suitable for first time buyers or those looking to rent their first home unless the need is already being met within the authority's

area. Paragraph 72 of the Framework states that sites should be on land that is not already allocated for housing and sets out two further criteria that should be met (paragraph 72 a) and b)). The Council is not satisfied that the development would meet the requirements of paragraph 72 b) that developments should comply with the local design policies and standards.

7. As the Central Lincolnshire Local Plan 2017 (CLLP) and the Nettleham Neighbourhood Plan 2015 (NNP) were adopted prior to the provisions for entry-level exception sites being first set out in the 2018 revision of the Framework, there are no development plan policies relating to such sites. The relevant policies to design are Policies LP17 and LP26 of the CLLP and Policy D-5 of the NNP.

#### *Character and appearance*

8. The appeal site comprises 0.54ha of land with a frontage to Scothern Road. It is part of a large arable field on the edge of Nettleham. Adjacent to the appeal site Scothern Road is characterised by a variety of house types and designs which face towards, but are set back from, the road frontage behind landscaped front gardens.
9. The appeal site is bounded by mature native hedging along Scothern Road. On its southern side, the appeal site boundary is defined by well-maintained hedges and fencing. This attractive and substantial boundary separates the built form of the village from its wider countryside setting. The native hedging and verges along the road frontage, together with the undeveloped fields, including the appeal site, provide an attractive landscape with an open, rural character and appearance that affords long distance views over the countryside.
10. The indicative layout illustrates how seven detached dwellings facing Scothern Road accessed via three shared driveways, each approximately 5 metres wide, could be placed on the land. The development is designed to extend the existing frontage development. However, the proposed built form would encroach into an open undeveloped flat field and the removal of sections of hedging to provide access would reduce the attractiveness of the continuous front boundary hedge within the landscape. The development would have an urbanising effect on the appearance of the Lane. It would result in a prominent encroachment of built development into the open countryside that would detract from the traditional rural character and appearance of the area and the open rural route into and out of Nettleham.
11. Proposed landscaping to the rear and side boundaries may filter some views of the built form but the landscaping would cut across the open field, altering the established field pattern, considerably extending the village, and detracting the shape and form of the settlement. Consequently, the development would harm the pleasant open character of the village edge, detracting from the setting of the village and the character and appearance of the settlement.
12. Therefore, the proposed entry-level exception site would harm the character and appearance of the area in conflict with Policies LP17 and LP26 of the CLLP and Policy D-5 of the NNP. These policies require amongst other things that all development must consider the character and local distinctiveness of the area. The development would also conflict with Paragraph 72 b) of the Framework

where entry-level exceptions sites are required to comply with local design policies and standards.

### *Section 106 Agreement*

13. There is no dispute between the parties that there is a need for affordable rented and shared ownership units in Central Lincolnshire, and that the appeal site could provide entry-level homes that would be on a size of site that would accord with footnote 35 of the Framework. However, the indicative layout shows large, detached houses that do not reflect the housing need set out on the housing register, and there is no clarification on this matter.
14. Whilst I have a limited draft section 106 agreement its provisions are not complete, and the agreement is not signed by either party. Therefore, there is currently no mechanism to secure the provision of entry-level homes suitable for first time buyers before me and the development cannot meet the requirements of Paragraph 72 a) of the Framework where entry-level exceptions sites suitable for first time buyers are required to provide affordable housing as defined in Annex 2 of the Framework.

### **Other Matters**

15. The Council can demonstrate more than a 5-year housing land supply. Although this does not prevent entry-level housing from coming forward, in the absence of a mechanism to secure this, the entry-level housing contribution is a neutral factor in my assessment.
16. The proposed development would be well related to village facilities, however, not all such sites will be suitable for development.
17. The appellant proposes a new section of public footpath which is said to be sought by the community and an aspiration of the NNP. It is suggested that the requirement to provide a footpath could be conditioned, but the Council considers that the footpath would need to be secured via a section 106 agreement. In either case, I have little detail of the proposed footpath and without this I attached limited weight to the benefits it may bring to the community.
18. I acknowledge the reference to pre-application advice, however, this advice related to a different proposal for general housing and pre-dates later appeal decisions. I therefore attach little significance to the advice provided.
19. The absence of harm in relation to neighbouring amenity, highways and flood risk is a neutral matter in this appeal.

### **Conclusion**

20. Overall, for the reasons given above, I conclude the proposal would conflict with the development plan and the Framework, and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

*Diane Cragg*

INSPECTOR





## Appeal Decision

Site visit made on 18 January 2022

**by Diane Cragg Dip TP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 February 2022**

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**Appeal Ref: APP/N2535/W/21/3279260**

**Stable Block, 3 Acre Field, Holt Farm, Stainton Lane, Stainton by Langworth, Lincoln LN3 5BL**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr & Mrs T Siddans against the decision of West Lindsey District Council.
  - The application Ref:142917, dated 21 April 2021, was refused by notice dated 28 June 2021.
  - The development proposed is change of use and extension of existing redundant stables building to form two holiday let units for farm diversification.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to local and national planning policies.

### Reasons

3. The appeal site is in open countryside on the west side of Stainton Lane between the A158 and Stainton by Langworth. The existing stable block is a mono-pitch painted block work structure in a fenced and landscaped plot with access from Stainton Lane.
4. The proposal is to extend the existing building to provide 2 holiday cottages and provide parking and landscaping within an extended plot.
5. Policy LP55 of the Central Lincolnshire Local Plan 2017 (CLLP) relates to development in the countryside. Part A (a) supports the re-use and conversion of non-residential buildings for residential use in the countryside, provided there is evidence that the building can no longer be used for the purpose for which it was originally built or there is no demand for the use of the building for business purposes, and the building is capable of conversion with minimal alterations, and the building is of notable architect or historic merit and intrinsically worthy of retention in its setting. Part E of the policy supports non-residential development in the countryside subject to a number of criteria, and part F supports farm-based diversification provided that the proposal will support farm enterprises in an appropriate location for the use, of a scale appropriate to its location, and of a scale appropriate to the business need.
6. The Council's approach to the consideration of a 'Sustainable Visitor Economy' is set out in Policy LP7 of the CLLP. This policy, amongst other things, indicates

- that visitor facilities should be located within existing settlements 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.
7. The policy approach is consistent with the National Planning Policy Framework (the Framework) where it states that planning policies and decisions should enable sustainable rural tourism which respects the character of the countryside. The Framework recognises that sites to meet local business and community need in rural areas may need to be found adjacent to or beyond existing settlements. In these circumstances, it will be important to ensure that development is sensitive to its surroundings and should exploit any opportunities to make a location more sustainable.
  8. In respect of Policy LP55, the proposal would require the significant alteration and extension of the structure and cannot meet the criteria set out in Part A(a). Part E relates to non-residential development and is therefore not relevant to the development. Regarding Part F, although I acknowledge that the proposal is stated as a farm diversification project, and I note the various articles provided by the appellant that support farm diversification, there is limited evidence as to how the diversification would support the farm enterprise and little evidence that the scale of the development is appropriate to the business need.
  9. In terms of Policy LP7 the scheme does not relate to an existing visitor facility. The appellant states that the building's location on the farm is intrinsic to its marketing and use for farm holidays. A location elsewhere would not serve this purpose, and this is an overriding element of the proposal. However, the building is some distance from the farmhouse and farm buildings and there is little information as to how the development would promote farm holidays.
  10. Nevertheless, based on the letters of support and the appellant's own research the occupation of the holiday cottages could contribute to supporting other local attractions or visitors to the area. Further, the proposal could generate short term employment during the construction phase of the development and indirect jobs associated with the operation of the holiday let business. In this respect the development could support the local economy and community.
  11. However, whilst in considering the location of development the Framework takes some account of the transport shortcomings of rural areas its focus is on maximising the use of sustainable transport solutions. There is no footpath along Stainton Lane and the national speed limit of 60 mph applies. The development would be physically isolated from settlements with facilities and services both in terms of distance and the absence of routes to them, or anywhere else, by means other than private motor vehicle. As such it would fail to meet the Framework's approach of giving priority to pedestrian and cycle movements, and so far as possible, facilitating access to public transport. Consequently, the location is not suitable for the nature of the proposal.
  12. The appellant brings to my attention a site at Ashlin Farm<sup>1</sup>. This scheme was determined against a different policy background and has limited relevance to

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<sup>1</sup> Local Authority No:130453

the proposal. It is notable however that the Council concluded that the site was adjacent to a village and accessible, for occupiers of the holiday let accommodation, to services and facilities by other means than the car.

13. The existing building has a simple non-domestic appearance surrounded by hedge planting and post and rail fencing. It appears as an appropriate rural building and sits acceptably in the landscape.
14. In support of the use being farm diversification the appellant states that the building is redundant. The design and access statement sets out that the use of the building for cattle or horses could not be facilitated in the existing compartmentalised structure. However, the structure requires significant extension and alterations to provide for holiday accommodation and there is little evidence that the existing structure could not be altered for use as stables or marketed for such a use. There is also limited evidence that the conversion of the existing structure would not be commercially viable. As such, I am not satisfied that there would be an overriding benefit to the environment for the location of the development.
15. Overall, there is insufficient evidence to demonstrate overriding benefit to the local economy, community, or the environment for locating the development away from a built-up area.
16. Taking the above matters together, I conclude that the appeal site would not be an appropriate location for the proposed development having regard to local and national planning policies and would conflict with Policies LP7 and LP55 of the CLLP. It would also conflict with the Framework.

### **Other Matters**

17. Reference is made to the Council's failure to request additional information during the application process. However, the appeal has presented an opportunity for the appellant to expand on the evidence provided, I have noted the details in the appeal but for the reasons I have set out I find that the proposed development would conflict with local and national policies.
18. I acknowledge the frustration caused by the failure of the Council to work with the appellant in a positive manner. However, this is not material to my determination of the appeal and does not remove the requirement for me to assess the appeal proposal on its own merits.
19. The absence of harm in relation to highway issues and drainage is a neutral matter in this appeal.

### **Conclusion**

20. Overall, for the reasons given above, I conclude the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

*Diane Cragg*

INSPECTOR



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# Appeal Decision

Site visit made on 18 January 2022

**by Paul Cooper MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

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## Appeal Ref: APP/N2535/W/21/3267268

**Sunnyside Up Farm Shop, Poplar Farm, Tealby Road, Market Rasen,  
Lincolnshire LN8 3UL**

- 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 John Casswell against the decision of West Lindsey District Council.
  - The application Ref 140707, dated 26 February 2020, was refused by notice dated 23 July 2020.
  - The development proposed is Change of Use of land for siting of caravans (lodges), proposed recreation pond with 20 fishing pegs including site levelling using excavated material.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this appeal is the effect of the development on the setting of the countryside, the Area of Great Landscape Value (GLV) and the Lincolnshire Wolds Area of Natural Beauty (AONB)

## Reasons

3. The appeal site is located approximately 2.5km north-east of Market Rasen and is part of the wider Poplar Farm site, which stretches to above 37 hectares in overall size. The appeal site is adjacent to a site granted permission for a pond and the siting of caravans in 2019 and the since this refusal at planning application stage, the appeal site has since been approved for a smaller scheme than the proposals in front of me.
4. The site is located within a GLV and also approximately 2.5km from an AONB. It is allocated as a countryside (Tier 8) designation as a set out in Policy LP2 of the Central Lincolnshire Local Plan (2017) (the LP) which sets out a number of criteria of restriction for development.
5. Policy LP7 is relevant here and it deals with a sustainable visitor economy and again sets out a number of criteria that proposals should look to adhere to. Whilst there is no doubt that a) and b) would be met, I find that the scale of the proposals are contrary to criterion c) and d) in that they do not respect the natural and built environment qualities of the area and are not appropriate for the character of the local environment in terms of scale and nature. I consider that the proposals for 50 units go over and above the context and character of the countryside location in this instance.

6. The same context also renders the proposals contrary to Policy LP17, which seeks to protect and enhance the intrinsic value of landscapes and townscapes. The size and scale of the proposals would adversely affect the countryside setting of the locality, and the setting of the GLV would be impacted incorporating the visual and countryside benefits of the GLV.
7. Given the distance to the AONB, I am satisfied that the proposals would not have a negative impact on the setting of the AONB, nevertheless this does not overcome the material harm that I have identified to the GLV and the rural character of the area from the scale of the works proposed.

### **Other Matters**

8. There are factors in favour of the proposals in that it would undoubtedly contribute to the tourism industry and be beneficial to the economy. However, I find that these benefits do not outweigh the material harm to the GLV and the wider countryside echoed from the conflict with local policies LP7 and LP17 and as such, the proposals are dismissed in their current form set out in this specific application.
9. There has been a large amount of representation with regards to the proposals, both in favour and against and I am satisfied that those representations had been taken into consideration when the Council have made their decision. I note that the opinion of Officers was over-ruled when this was heard at Committee, but I have found that the Committee decision was well-founded to highlight concerns with regard to the scale of the appeal proposals and the effect on the wider countryside and the GLV.

### **Conclusion**

10. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

*Paul Cooper*

INSPECTOR



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## Appeal Decision

Site visit made on 18 January 2022

**by Paul Cooper MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 February 2022**

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**Appeal Ref: APP/N2535/W/21/3279681**

**Aberfoyle, School Lane, Broadholme, Lincoln LN1 2LZ**

- 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 Sarunas Krencius against the decision of West Lindsey District Council.
  - The application Ref 142147, dated 10 December 2020, was refused by notice dated 17 March 2021.
  - The development proposed is change of use of land to site 5 caravans and the creation of lake.
- 

### Decision

1. The appeal is dismissed.

### Background

2. The application form indicates that the application was retrospective. At the time of my site visit, the single static caravan indicated on the plans was in situ close to the main property, as per the plans. With regard to the 4no. caravans at the far end of the site, only one was located on site and was in a state of some disrepair. The lake has already been excavated.

### Main Issues

3. The main issues in this appeal are-
  - The principle of the development.
  - The effect of the development of the character and appearance of the area; and
  - The effect of the development on the potential for flooding of adjacent land.

### Reasons

#### *Principle*

4. With regard to the nature of the land use, from the evidence submitted, the larger site that contains the proposals for 4no caravans and the lake (hereafter known as Parcel B) appears to have been some form of smallholding and as such would be considered under Policy LP2 of the Central Lincolnshire Local Plan (2017) (the LP).

5. The static caravan near to Aberfoyle (hereafter known as Parcel A) is allocated into Tier 7, and Parcel B is allocated to Tier 8 of Policy LP2. Tier 8 includes a number of sub-criteria for which the appeal proposal does not fall into and given the paucity of information supplied by the appellant, I find that the link to an agricultural use is somewhat tenuous and ultimately, there is insufficient justification for the use of the static caravans on site for storage purposes and the housing of chickens.
6. With regard to the lake, whilst there are comments that the size of the lake is not consistent with that indicated in the application plan, I consider that there is insufficient justification for the lake, and the comment that it is for "wildlife and swimming" demonstrates that the two pursuits are incompatible, as I find that the biodiversity and wildlife aims of the lake would be harmed by the use for recreational activity such as swimming.
7. As for the physical appearance of the lake and surroundings, I shall deal with this as part of the assessment of later issues.
8. Furthermore, I find that the appeal proposals are contrary to the thrust of Policy LP55 relating to development in the countryside and again, the lack of a clear justification for the static caravans renders the proposals incompatible with the thrust of this policy.
9. In conclusion on this issue, I find that given the lack of clear agricultural justification, the proposals are not in keeping with Policy LP2 and LP55 of the LP which, amongst other matters, expect development to demonstrate that it is essential to the effective operation of agriculture and justify its enterprise in the rural economy.

#### *Character and appearance*

10. The area designated as Parcel B is located to the rear of the overall appeal site, and is exposed to open views to the rear of Parcel B. As Parcel B stretches to the rear of a number of properties, there are various methods of boundary treatment applied in order to screen the parcel of land from residential property.
11. The excavation material from the creation of the lake has been applied onto to the land surrounding the lake, and as such has artificially raised the height of the land. This altering of the natural ground level allows the occupants of Parcel B to bypass elements of the screening when walking on the raised area, as the raised land height corresponds to the height of fencing to some of the adjacent properties, allowing clear overlooking of the private amenity areas of those properties.
12. This elevated position also reinforces the need for an effective landscape solution. In an exposed rural area, there has to be some realistic mitigation put forward in order to screen the harmful elements of the impact on the wider landscape and key views around the locality, at present the mitigation is limited and fails to alleviate the harm caused by the caravans and the raised land profile.

13. As a result, I find that the proposals are contrary to policies LP17 and LP26 of the LP, as well as policies 2 and 11 of the Saxilby with Ingleby Neighbourhood Plan, which expect development to, amongst other matters, preserve local views and vistas, achieve high quality design and take into account local character.

*Flood risk*

14. The site is located in Flood Zone 3. The nature of the appeal proposals do not require an exceptions test, and the Consultees have raised no objection to the proposals.

15. However, despite this, there has no been no assessment of the flood risk implications of the proposals, in light of the raising of land levels, and the fact that the site is in Flood Zone 3, there should be an assessment carried out for the potential for flooding to nearby properties from a flooding event.

16. I realise that there has been some drainage piping installed into the raised land level area in order to address the potential issue, but without a correct assessment, it is not possible for me to be convinced that problems would not occur in a significant flooding event.

17. In conclusion, I find the proposals are contrary to Policy LP14 of the LP, which amongst other matters expect development to be informed by site specific flood risk assessments where appropriate, and that there is no unacceptable increased risk of flooding to the site or existing properties.

**Conclusion**

18. Therefore, for the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

*Paul Cooper*

INSPECTOR