

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 27 April 2022 commencing at 6.30 pm.

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

Councillor David Cotton
Councillor David Dobbie
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

In Attendance:
Russell Clarkson Development Management Team Manager
Martha Rees Legal Advisor
Rachel Woollass Development Management Team Leader
Ian Elliott Senior Development Management Officer
Richard Green Planning Officer
Joanne Sizer Area Development Officer
Katie Storr Democratic Services & Elections Team Manager
Andrew Warnes Democratic and Civic Officer

Also In Attendance: 3 Members of the Public.

Apologies: Councillor Matthew Boles
Councillor Michael Devine
Councillor Cherie Hill

117 PUBLIC PARTICIPATION PERIOD

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

118 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

RESOLVED that the minutes of the meeting of the Planning Committee held on Wednesday, 30 March 2022 be confirmed and signed as an accurate record.

119 DECLARATIONS OF INTEREST

The Chairman made a non-pecuniary declaration on behalf of all Members of the Committee that attended the site visit, in relation to application number 144197 (agenda item 6b), that at the close of the meeting, the Chairman invited the objectors to give comment to the application, and the Committee did listen, but provided no other comment or debate subsequently to the statement.

Councillor D. Cotton declared a non-pecuniary personal interest, in relation to agenda item 6b, application number 144197, as he felt acquainted with the applicant and was not able to give an impartial view and stepped down from the Committee for the duration of that item.

Councillor D. Cotton declared that he was a Parish Councillor for Saxilby and Ward Member for Saxilby, in relation to agenda item 6c, application number 144491, but he would remain on the committee for that item, and speak as a Member of the Planning Committee.

Councillor J. Summers declared that he was Ward Member for Waddingham and Spital, in relation to agenda item 6a, application number 143957, and had given a previous opinion on the application. He would speak to the Committee as a Ward Member on the application, but as such would step down from the Committee for the rest of that item.

Councillor J. Summers declared that he was Ward Member for Waddingham and Spital, in relation to agenda item 6d, application number 144418, and had given a previous opinion on the application. He would speak to the Committee as a Ward Member on the application, but as such would step down from the Committee for the rest of that item.

Councillor J. Summers also declared, for transparency, that he had met the applicants before, in relation to agenda item 6b, application number 144197, and had discussed the application in question.

Councillor C. McCartney declared that she had not been able to attend the site visit in relation to agenda item 6b, application number 144197, and though would stay in the room for the item, would not comment or vote on the item.

120 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Development Management Team Manager advised the Committee that there were no updates to Government or Local Changes in Planning Policy since the previous Planning Committee Meeting on 30 March 2022.

121 143957 - LAND ADJ MANOR COTTAGE, CLIFF ROAD, SAXBY, MARKET RASEN

The Chairman introduced the first item of the meeting, planning application number 143957, to erect 1no. detached dwelling and creation of vehicular access, at Land adjacent to Manor Cottage, Cliff Road, Saxby, Market Rasen. The Officer informed the Members of the Committee that there were no updates to the report, with the application deferred at the last committee meeting for a site visit, which took place on 7th April.

The Chairman invited the only Speaker, Local Ward Member Councillor Jeff Summers, to address the Committee.

The Member stated that he was at the site visit and that it was evident that it was a hamlet. He believed that there was no one single aspect with any strength to have this application refused. He expressed that the proposed development fitted the street scene perfectly and felt that LP 26 had to be considered.

Note: Councillor J. Summers stepped down from the Committee for the rest of this item and left the Council Chamber at 6.41 pm.

The Chairman then invited comments from Members of the Committee.

Debate ensued, and observations were made by Members from the site visit. These comments included the property's design, with Members commenting that the proposed design was the reverse of the properties in the surrounding area of Saxby. There was a possibility of conditioning the materials to be more in keeping with the nearby properties.

There was also consideration regarding the hamlet nature of the application. One Member commented that there was too much distance between the properties for Saxby to be classed as a hamlet, and being one long line of houses. There was a remark that the proposed application was development in the countryside, contrary to LP2. A separate Member commented that the impact on the church as highlighted in the report was not in view, and noted that the hamlet definition was a bit redundant with Lincolnshire villages being small farms around development.

The Development Management Team Manager informed Members that the Local Plan no longer had defined settlement boundaries and if Saxby was a hamlet, it would have to meet the written definition as defined by LP2, section 7 of the Central Lincolnshire Local Plan. The key issue was whether the buildings were "clearly clustered" together as a single developed footprint. The Officer also confirmed that the proposed application would be considered under stricter categorisation if it was deemed not to be a hamlet.

The Officer advised that for material changes, the Committee would have to either reject the application and wait for a future application, or defer the item for the officers to discuss with the applicants and agent.

Having been moved and seconded, the Chairman took the vote and, with a majority vote, it was agreed that planning permission, as detailed in the Officer's recommendation, be **REFUSED**.

Note: Councillor D. Cotton requested that his abstention on the above vote be recorded in the minutes (25 May 2022).

Note: Councillor J. Summers returned to the Council Chamber at 6.52 pm.

Note: Councillor D. Dobbie left the meeting at 6.52 pm.

122 144197 - LAND REAR OF 3 WALMSGATE, BARLINGS LANE, LANGWORTH

Note: Councillor D. Cotton stepped down from the Committee for this item and left the Council Chamber at 6.52 pm.

The Chairman introduced the next item of the meeting, application number 144197, for change of use of existing field to domestic use to grow seasonal fruit and vegetables, at Land rear of 3 Walmsgate, Barlings Lane, Langworth, Lincoln.

The Officer informed the Members of the Committee that there were no updates to the report, with the application deferred at the last committee meeting for a site visit, which took place on 7th April, followed by a short presentation. The Chairman then invited the first speaker, Steve Harper, the applicant for the application, to address the Committee. The applicant made the following statement.

After giving thanks for the site visit, the applicant stated that he would not repeat his previous remarks that expressed how he would use the land. He professed that he exclusively owned the field and that the lane around the back of the properties was only shared to facilitate access for all three Walmsgate dwellings.

The applicant explained that if the application was refused, the vehicles used to work the site would have to be sited at the front of the property. He asserted that previous comments about other neighbours objecting were incorrect. The speaker concluded by stating that he wanted to improve the land behind his property and use it for sustainable farming.

The Chairman thanked the speaker for his statement and invited the second speaker, Rick Poolton, an objector, to address the Committee. The objector made the following statement.

After giving thanks for the site visit, the speaker stated that he hoped the deferment would have given a chance for the applicant to answer the questions posed to him at the previous meeting. He reiterated that he felt that the application was a 'trojan horse' and that the applicant would be able to build on 50% of the land if the application was granted.

The speaker asserted that the proposed site was six times the size of the applicant's home, with over 200 metres to use. Mr Poolton felt that the applicant had not answered what he would do with the other 90% of the land, fearing it was on a commercial scale and would likely have a significant impact on his family's lives.

The speaker confirmed that he shared a private stone track, which allowed access to his paddock, and that allowing for possibly industrial-sized machinery would affect his health. The speaker concluded that the possible detriment would impact his human rights on his health, which included a possible ostentatious building.

The Chairman thanked the speaker for his statement and invited the Legal Adviser to comment on concerns about the impact on human rights made by the objector. The Legal Adviser drew Members' attention to the Officer's report on page 46 of the public report pack and stated that every Officer did consider the human rights implications for the individuals in each application when considering their recommendations.

The Chairman then invited comments from the Planning Officer and Development Management Team Manager. The Team Manager advised that the Members had to consider the application before them and that it was for a change from agricultural to a domestic use. It would allow the applicant to erect domestic outbuildings on up to 50% of the land as a permitted development right, There was a possibility of conditioning the application

to remove said rights, but the Officer recalled that the applicant had previously stated this was a factor in making the application.

The Chairman then invited comments from Members. Debate ensued, and Members used information learnt at the site visit to highlight their points.

Responding to a comment about the change of use and removing any permitted development rights for future occupiers, the Development Management Team Manager confirmed that any conditions would have to be reasonable and relevant. A temporary permission could be considered but The Officer stated that the applicant was looking to make a permanent change of use, which this application would give, in particular, the ability to build fixtures without conditions.

The Officer also advised that due to its agricultural use, the existing use would not fall within the definition of development.

Members also debated about the look of the application, with converse opinions on whether the developed site would be noticeable. Members also mentioned concerns about what would happen should the application be granted.

Having been moved and seconded, the Chairman took the vote and, with a majority vote, it was agreed with the Officer's recommendation that planning permission be **REFUSED**.

Note: Councillor D. Cotton returned to the Council Chamber at 7.19 pm.

123 144491 - LAND REAR OF 45 MILL LANE, SAXILBY

The Chairman introduced the next item of the meeting, application number 144491, to erect 1no. dwelling, at Land rear of 45 Mill Lane, Saxilby, Lincoln. The Officer stated that there was no update to the report and gave a short presentation on the application. With no registered speakers, the Chairman invited comments from Members.

Debate ensued, and on the siting of the proposed application, Members debated the appropriateness of the 'back land' development, with some referencing that no other property in the area with similar settings in the local area. There were also comments that the proposed application was being 'shoe-horned' into the parcel of land. However, another Member thought 'back land' development was okay and felt the design was appropriate and spacious enough for anyone to live at the proposed development.

Members also gave reference to local planning policies and the broader Saxilby developments. Some Members concurred with the objection from Saxilby Parish Council and agreed that the proposed development contradicted the Saxilby Neighbourhood Plan. There was a broad discussion on developments in the fringe villages surrounding Lincoln. One Member expressed that there was enough permitted development at both the Church Lane and Sturton Lane sites, referencing that the highways in Saxilby were already at 95% capacity.

Note: Councillor D. Cotton declared that he was a Parish Councillor for Saxilby with Ingleby Parish Council.

In response to the street setting and the policy compliance, the Planning Officer commented that the application did conform with policy 2 of the Saxilby Neighbourhood plan, as it was within the footprint of the village, and that the design was appropriate in the scene,

particularly with it being a small single-storey dwelling.

The Development Management Team Manager stated that the recommendation of granting considered the Central Lincolnshire Local Plan and the parish's Neighbourhood Plan. He advised Members that though the Parish Council disagreed with the Officer's recommendation, it was the responsibility of the Planning Committee to determine whether they considered it complied with policy, in respect the pattern of development, in that it had to be appropriate, have scale and respect density.

Having been moved and seconded that the application be granted, the Chairman took the vote and with a majority vote against the written recommendation, the proposal was **LOST**.

The Chairman sought an alternate proposal. Members of the Committee expressed that the reasons for refusing the application were based on the proposal causing 'back fill' development. Members also noted that the proposed application was contrary to the Saxilby Neighbourhood Plan, specifically concerning Policy 2 of the Neighbourhood Plan.

This was proposed, seconded, and on taking the vote, it was agreed that permission be **REFUSED** for the following reasons:

The form of development would be out of character and keeping with the prevailing area, contrary to Policy 2 of the Saxilby with Ingleby Neighbourhood Plan and the supporting Character Assessment.

124 144418 - SKITTLESTONE COTTAGE, FRONT STREET, NORMANBY BY SPITAL

The Chairman introduced the next application of the meeting, planning application number 144418, to convert barn into dwelling being removal of condition 4 of planning permission 98/P/0752 granted 24 November 1998 - occupancy condition, at Skittlestone Cottage, Front Street, Normanby By Spital, Market Rasen. The Officer informed Members that there were no updates, and that gave a short presentation on the application, explaining that this application was to remove the occupancy condition.

The Chairman explained that there was one statement submitted from the applicant to be read aloud by the Democratic Services Officer, with the statement from Adele Morris. The following statement was read.

“Dear WLDC Planning Committee. As I currently live in South Africa, I am unable to attend your committee meeting therefore I would like to make a personal statement.”

“Health & financial implications regarding my planning application.”

“As I have not received any response to my complaints regarding the separate sale of The Old Beer House & The Beer Barn, I assume nothing has been done regarding this breach of the same planning condition as mine. This sets a precedence for my application.”

“As per my comments on Page 5 of my complaint (see attached) regarding WLDC's Enforcement Action statement: 'Local Planning Authorities should, where relevant, have regard to the potential impact on the health, housing needs and welfare of those affected by the proposed action...’”

“I wish to highlight my personal circumstances and health issues as WLDC have deemed this an appropriate subject which may influence their Planning Department decisions. I have been unable to sell them together for 7 years under the current restriction despite five

different buyers trying to purchase them but were unable to proceed due to the restriction.”

“I have not lived there since 2014 & they have suffered considerable decay due to a company illegally letting them to tenants when the company reneged on our contract and ceased paying the mortgage & refused to make repairs for the damage caused by their tenants.”

“I have cashed in my pension to pay for the refurbishment and cleaning of both properties in order to market them for sale – yet again. Due to the tenants actions, I have had a number of County Court Judgements place against my name which I discovered after I emigrated. This has had a great impact on my ability to raise any finance for further repairs.”

“I am unable to pay: the mortgage, the debts raised by the illegal tenants & my properties have been broken into by bailiffs looking for the tenants. I am disabled & have been unable to work since 2017. I have: Chronic widespread pain syndrome (fibromyalgia); Chronic fatigue syndrome; Chronic irritable bowel syndrome; Chronic mild cognitive dysfunction; Depression - hugely exacerbated by this ongoing situation.”

“Since I emigrated, I have been diagnosed with the following: Scoliosis - causing constant back pain; Brittle bone disease - causes bones to break without specific cause. Since October 2021, a chiropractor crushed a vertebrae in my spine. I have to wear a back brace the majority of the time. I broke my right wrist in a fall then several toes simply from stubbing my foot.”

“Had I remained in the UK, I would be able to claim disability benefit, housing benefit, etc but I am unable to receive any form of benefit and am totally reliant on my husband despite never being unemployed or claiming benefits in the last 56 years. The sale of my property represents the only income I am able to receive until I claim my state pension. I do not now have a financially secure future.”

“My properties represent my entire future financial security which will have to support me until I die. However, my application to separate my properties is NOT financially driven. I am currently at risk of having my properties repossessed unless sold within the next two months.”

“Further delay will result in the properties becoming derelict and therefore a financial burden to WLDC and a complete eyesore within an otherwise beautiful village affecting house prices nearby.”

“All estate agents have advised my properties will sell as separate units much more easily than together, see Pygott & Crones statement. If sold separately, both properties represent affordable housing for young families wanting to move to the village. My properties will be sold by auction within a month of your decision.”

“Each property has always been separately served for electric, water & oil. I have paid separate Council Tax on each property since 2005 & a further double Council Tax fine for an ‘empty property’ since I separated from my first husband in 2010 - as ‘I can’t live in both properties at once - if I live alone’.”

“Each has its own Land Registry number & details – See attached. Should you have any queries at all regarding my application please don’t hesitate to contact me.”

The Chairman thanked the Democratic Services Officer for reading the statement and invited the Local Ward Member Councillor Jeff Summers to address the Committee.

The Member noted that he had been a long-time advocate for the area and fully sympathised with the applicant, expressing feelings that the statement reflected an honest assessment of the applicant. He remarked that the applicant was losing money due to the properties being empty and the shocking state of disrepair caused by tenants. Having experience with the area, the Member commented that there could be some possibility of using net curtains to increase the privacy between the two properties and other properties surrounding the proposed application site.

The Member then commented that the access and egress were similar to other granted applications by West Lindsey District Council, with thousands already built. The Member expressed that the Parish Council supported the application and that the concerns about LP26 were more about new build properties. He concluded that there was enough distance separating the relevant properties for privacy reasons and the possibility of using net curtains to increase privacy.

Note: Councillor J. Summers stepped down from the Committee for the rest of this item and left the Council Chamber at 7.49 pm.

The Chairman then invited the Development Management Team Leader to respond. The Officer stated that the damaged properties from previous tenants, were for a civil matter and that the personal circumstances surrounding the applicant were not a material consideration. The applicant is responsible for maintaining the property. The Officer then advised that with it dismissed at appeal and previously refused twice, and having been through 3 different local plans, there was still a concern about the amenity in the application. The separation between the windows was around 9.5m, less than the 21-metre general rule for residential properties.

Debate ensued, and Members discussed the application size and addressed some of the applicant's comments. Though there was sympathy for the applicant's situation, there was an agreement with the Planning Inspector's report when the application was last refused, and that there was a lack of amenity with the properties. There were also multiple comments that the properties would have been shoe-horned into the space available.

Having been moved and seconded, the Chairman took the vote and, with a unanimous vote, it was agreed that planning permission, as detailed in the Officer's recommendation, be **REFUSED**.

Note: Councillor J. Summers returned to the Council Chamber at 7.57 pm.

125 144360 - MARQUIS HOUSE, HIGH STREET, WADDINGHAM, GAINSBOROUGH

The Chairman introduced the final application of the meeting, planning application 144360, for change of use of public house into 1no. dwelling including removal and replacement of existing extension, update front and rear windows, and install patio doors - resubmission of 142444 being variation of condition 2 of planning permission 143218 granted 12 August 2021 - amended windows and doors, at Marquis House, High Street, Waddingham, Gainsborough.

After a short presentation and with no updates to the report, the Chairman explained that there was one statement from Waddingham Parish to be read aloud by the Democratic Services Officer. The following statement was read.

“Waddingham Parish Council wish to make the following statement.”

The Parish believes that, as the building is in a prominent position at the entrance to the village, the windows and doors at the front of the building should be replaced with ones that reflect the heritage and character of the building. They should also give the maximum thermal and sound efficiency as possible.”

The Chairman thanked the Democratic Services Officer for reading the statement and invited comments from Members of the Committee.

Debate ensued, and observations were made about the design of the windows, with Members approving the usage commenting that the proposed windows do not lose the character of the building.

Members also felt that granting the application would not affect the nearby listed properties or the heritage. One Member expressed concerns about the submission from the conservation officer, and stated there was potential for confusion in the possible granting of the application due to the historic nature of the building.

Having been proposed and seconded, the Chairman took the vote and it was agreed unanimously 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 end of the 24th August 2024.

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. All windows and doors must be installed in strict accordance with plan 008 Rev 03 dated 23rd March 2022.

Reason: To ensure the windows and doors installed are appropriate to the site and the area including the setting of the nearby listed building to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

3. The rear extension hereby approved must be completed in strict accordance with the external materials approved in condition discharge application 143703 dated 7th October 2021.

Reason: To ensure the external materials used are appropriate to the site and the area including the setting of the nearby listed building to accord with the National Planning Policy Framework, local policy LP17, LP25 and LP26 of the Central Lincolnshire Local Plan and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

4. 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:

Approved in 143218:

- 103 Rev 01 dated 24th February 2021 – Site Plan
- 004 Rev 01 dated 14th March 2021 – Floor Plans
- 005 Rev 01 dated 14th March 2021 – Blank Side Elevation Plan Only

Approved in 144360:

- 008 Rev 03 dated 23rd March 2022 – Elevation and Window/Door details plan
- 009 Rev 00 dated 24th March 2022 – Window Detail

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, LP25 and LP26 of the Central Lincolnshire Local Plan 2012-2036 and policy 8 of the Draft Waddingham and Brandy Wharf Neighbourhood Plan.

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

NONE

126 DETERMINATION OF APPEALS

There were no appeal determinations for noting.

The meeting concluded at 8.12 pm.

Chairman