

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, 27th April, 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 - 20)
  - i) Meeting of the Planning Committee held on 30 March 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**

- a) 143957 - Land adj Manor Cottage, Cliff Road, Saxby, (PAGES 21 - 36)  
Market Rasen
- b) 144197 - Land read of 3 Walmsgate, Barlings Lane, (PAGES 37 - 47)  
Langworth
- c) 144491 - Land rear of 45 Mill Lane, Saxilby (PAGES 48 - 59)
- d) 144418 - Skittlestone Cottage, Front Street, Normanby (PAGES 60 - 77)  
By Spital
- e) 144360 - Marquis House, High Street, Waddingham, (PAGES 78 - 93)  
Gainsborough

7. **Determination of Appeals**

As at 19 April 2022, there were no appeal determinations to be noted.

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 19 April 2022

## WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 30 March 2022 commencing at 6.30 pm.

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

Councillor Matthew Boles  
Councillor David Cotton  
Councillor Michael Devine  
Councillor Mrs Cordelia McCartney  
Councillor Mrs Jessie Milne  
Councillor Peter Morris  
Councillor Mrs Judy Rainsforth  
Councillor Jeff Summers  
Councillor Mrs Angela White

**In Attendance:**  
Russell Clarkson Interim Planning Manager (Development Management)  
Martha Rees Legal Advisor  
Ian Elliott Senior Development Management Officer  
Richard Green Planning Officer  
Andrew Keeling Planning Officer  
Vicky Maplethorpe Area Development Officer  
Joanne Sizer Area Development Officer  
Ele Snow Senior Democratic and Civic Officer  
Andrew Warnes Democratic and Civic Officer

**Apologies:** Councillor David Dobbie  
Councillor Cherie Hill  
Councillor Roger Patterson

### 106 PUBLIC PARTICIPATION PERIOD

The Chairman stated there was one registered speaker under the Public Participation scheme, Chris Thomas. The Speaker was then invited to give his statement to the Committee. The following statement was made.

The Speaker stated that he was a resident of the Welton and Dunholme Ward, and expressed concerns about the Planning Application 144526, and the currently under review Central Lincolnshire Local Plan. With the previous application dismissed, and not currently allocated in the Welton Neighbourhood Plan; he expressed that the local population was dismayed with the application submitted, and referenced the lack of sustainability, the access and road safety, and the excessive increase in development as well-known issues

with the site.

The Speaker commented that the items in the application had glossed over these issues, and changed wording used to make the site ideal. He then asked for both further consultation and conversation prior to a decision taken, and concluded by asking the Council to assist Welton in the burden of housing provision.

The Chairman thanked the Speaker for his statement, and that a written reply would be sent shortly after the meeting to the Speaker in response to his comments.

## **107 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING**

**RESOLVED** that the minutes of the meeting of the Planning Committee held on Wednesday, 2 March 2022 be confirmed and signed as an accurate record.

## **108 DECLARATIONS OF INTEREST**

Councillor D. Cotton declared a personal interest, in relation to agenda item 6iii, 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 A. White declared that she was Ward Member for Nettleham, in relation to agenda item 6i, application numbers 142751 & 143621, however she would retain her seat as a Planning Committee Member.

Councillor J. Summers declared that he was Ward Member for Waddingham and Spital, in relation to agenda item 6v, 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 I. Fleetwood declared that he had previously met the applicant, in relation to agenda item 6iii, application number 144197, but had not discussed the application in question. He would remain in the Chair for the item.

Councillor J. Summers declared that he had previously met the applicants, in relation to agenda item 6vi, application number 143877, but had not discussed the application and would remain on the Planning Committee for that item.

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

## **109 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY**

The Committee heard from the Planning Manager with the following update, regarding changes to Permitted Development that affected communication devices coming into effect on 4<sup>th</sup> April 2022.

**The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2022**

The instrument amended the limitations, restrictions and conditions which apply when Code Operators install, replace or alter electronic communications infrastructure through permitted development rights. This was to come into effect Monday 4<sup>th</sup> April 2022.

Class A of Part 16 of Schedule 2 (Communications) of the General Permitted Development Order:

*“It is essential that the planning system continues to effectively support the deployment of new mobile network infrastructure. The changes will provide Code Operators with flexibility to upgrade existing sites in England for 5G delivery, enhance coverage and meet growing demands for network capacity. They will also reduce the time, cost and uncertainty involved in upgrading mobile network infrastructure and encourage the use of existing infrastructure and promote site sharing to reduce the impacts of new deployment.”*

The Officer informed Members of the Committee of the changes that would occur to specific measurements. These were highlighted to the Members of the Committee.

**Radio Equipment Housing** – this was permitted up to 2.5m<sup>3</sup>, with prior approval was now required if greater than 2.5m<sup>3</sup>.

#### **Widening existing masts**

Alteration or replacement of existing narrow masts: Where the original width of the existing mast is less than one metre, a width increase of up to two-thirds was now permitted without prior approval; and

Alteration or replacement of other masts: Where the original width of the existing mast is one metre or greater in width, a width increase of up to one half or two metres (whichever is greater) is permitted without prior approval.

#### **Increasing height of existing masts**

On article 2(3) land – up to 20m as before – but now required ‘prior approval’ between 20-25m tall.

All other land – now up to 25m (currently 20m) – now required prior approval if between 25-30m tall.

#### **New (ground based) masts**

On article 2(3) land – permitted up to 25m (previously 20m) high, subject to prior approval

All other land – permitted up to 30m (previously 25m) high, subject to prior approval.

ICNIRP Certificates would still be required (International Commission on Non-Ionizing Radiation Protection).

The Officer then informed Members of the Committee of the progress with Neighbourhood Plans. The Sturton by Stow and Stow joint Neighbourhood Plan had undertaken its examination successfully, with a referendum scheduled for 26 May 2022. The Officer highlighted that the Harpswell and Hemswell joint Neighbourhood Plan was in a Regulation 16 consultation process.

West Lindsey District Council Neighbourhood Plans Update – April 2022		
Neighbourhood Plan/s	Headlines	Planning Decision

		<b>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.	Full weight
Sturton by Stow and Stow joint NP	Examination successful. Referendum to be held 26 May 2022.	Significant weight
Hemswell and Harpswell joint NP	Submission consultation (Reg16) in progress – ends 14 April 2022.	Increasing weight
Hemswell Cliff NP	Submission version (Reg16) to be issued in near future for final consultation and examination.	Some weight
Keelby NP	Draft version (Reg 14) to be consulted on in near future.	Little weight
Reepham NP	Expect to receive (Reg 14) consultation version shortly.	Little weight
Caistor NP Review*	Steering group formed. Terms of reference and engagement strategy to be agreed. Presentation event to be arranged.	Little weight
Scothern NP Review*	Scope of review being considered by parish council.	Little weight
Blyton PC	Interested in preparing a neighbourhood plan.	
Scampton PC	Application to prepare neighbourhood plan submitted. Consultation underway and closes 6 May 2022.	
Dunholme NP Review*	Housing sites assessment underway.	
Neighbourhood Plans - made (22) - in preparation (19) - future (42)	To view all of WLDC's neighbourhood plans please go to: <a href="https://www.west-lindsey.gov.uk/my-services/planning-and-">https://www.west-lindsey.gov.uk/my-services/planning-and-</a>	<b>NP stage-weighting</b> -Made–full weight -Referendum successful–full weight

- being reviewed (4)*	<a href="#">building/neighbourhood-planning/</a>	-Examination successful/Decision Statement issued–significant weight -Submission Reg16–increasing weight -Draft Reg14 - some weight -Designated – little weight
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# **110 142751 & 143621 - PLANNING PERMISSION AND LISTED BUILDING CONSENT. NETTLEHAM HALL, NETTLEHAM**

The Chairman introduced the first application of the meeting, planning application number 142751, and listed building consent 143621 at Nettleham Hall and Lodge Site, Hall Lane, Nettleham, Lincoln, LN2 2ND. The applications were as listed below:

142751: Planning application for change of use of Nettleham Hall and Diggers Cottage to 2no. dwellings with extensions, alterations, associated landscaping and vehicle access. Also, alterations and repairs to gates.

143621: Listed building consent for repair and conservation of the gates and piers; and partial demolition, conservation, alterations and extensions of Nettleham Hall and Diggers Cottage.

The Officer stated that though this item had two applications, everything that was said applied to both, and the list of conditions applied to both. The Officer then informed the Committee of the one update to the report as presented, specifically in relation to the timings of the development through unilateral undertaking, and stated that the Heads of Terms for this had been confirmed. Members heard that should they grant the applications, the gates would be taken down and put away, and this update provided the timings for the work. The following Heads of Terms was laid out by the Officer:

- Within 12 months of commencement of building works it was planned to make safe the gates/metal work;
- Within 36 months of commencement of building works – it was planned to commence work on the gates (metalwork) in accordance with the approved methodology;
- Within 60 months of commencement it was planned to have completed the restoration of the gates, and;
- Within 60 months of commencement it was planned to have a maintenance plan in place.

The Chairman advised that there were no Speakers registered, and invited comments from Members of the Committee.

There was discussion on the dilapidated site, and the opportunity that the application had to improve the area, with aspects including littering and fly tipping that had led the site to its

current state. There were also supportive comments regarding the historic nature of the site, and emphasis was given to the positive comments from the statutory bodies.

Having been proposed and seconded, the Chairman took the vote and it was unanimously agreed that permission be **GRANTED** subject to the following conditions:

**Conditions for planning permission 142751:**

**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 demolition/development shall take place on the site until a Scheme of Archaeological Works including historic building recording (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. This must enable heritage assets within the site to be recorded prior to their alteration or destruction. This scheme of works will consist of a programme of full historic building recording focusing on the hall and cottage.

**Reason:** To ensure heritage assets are recorded prior to their alteration in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

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

3. As an initial operation an arboricultural method statement including details of tree protection during development and tree friendly driveway access installation shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the details approved.

**Reason:** To ensure tree retention in accordance with Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

4. Before work begins on works of repair (including repointing), enabling works and new dwellings, of the works for that dwelling/building shall be made on site. The Local Planning Authority shall be notified in writing of their availability for inspection and shall agree the materials of those building works in writing. The approved sample panels shall be retained on site until the work is completed. Development shall proceed in accordance with the approved details.

**Reason:** In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. Prior to their use in the development, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The LPA may ask that samples of each type are provided on site for inspection. Development shall proceed in accordance with the approved details.

**Reason:** In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

6. The repairs to the gates and stonework shall be carried out in accordance with the submitted method statement headed Nettleham Hall Gates & Railings Methodology Statement and received by the LPA in May 2021.

**Reason:** In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

7. Development shall proceed in accordance with the following approved drawings:

Insert Drawing Numbers

**Reason:** For the sake of clarity and in the interests of proper planning.

8. Development shall proceed in accordance with the mitigation measures detailed in the preliminary ecological appraisal.

**Reason:** To prevent harm to protected species in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

9. Prior to occupation of the development a detailed scheme of ecological enhancements shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed within 6 months of occupation of the relevant dwelling.

**Reason:** To secure ecological enhancements in accordance with Policy LP21 of the Central Lincolnshire Local Plan.

10. Prior to occupation of the development, details of foul and surface water drainage shall have been submitted to and approved in writing by the Local Planning Authority. The agreed details shall be installed prior to occupation of the relevant dwelling.

**Reason:** To ensure appropriate drainage that prevents flooding and pollution of the environment in accordance with Policy LP14 of the Central Lincolnshire Local Plan.

11. Prior to its installation and construction details of the heat pump and enclosure shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

**Reason:** To ensure an appropriate design and impact upon the setting of heritage assets in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

12. Notwithstanding the submitted details, prior to their installation details of all means of enclosure and hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

**Reason:** To ensure sensitively designed means of enclosure and hard surfacing materials are installed that are appropriate to the setting of listed buildings in accordance with 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:**

13. Copies of the anthology in relation to the grade I listed gated, consisting of condition reports and details of conservation interventions, as detailed in the Methodology Statement, shall be submitted to the Local Planning Authority and Lincolnshire Historic Environment Record within three months of the work to the gates being completed.

**Reason:** To appropriately document the works to the gates of national significance in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

14. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), following completion of the two dwellings hereby permitted, no further alterations, additions or extensions shall be added to them unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To ensure the impacts of such changes to these historic buildings and their setting is appropriate in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

**Conditions for listed building consent 143621**

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

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

**Reason:** To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

2. No demolition/development shall take place on the site until a Scheme of Archaeological Works including historic building recording (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation has been submitted to and approved in writing by the Local Planning Authority. This must enable heritage assets within the site to be recorded prior to their alteration or destruction. This scheme of works will consist of a programme of full historic building recording focusing on the hall and cottage.

**Reason:** To ensure heritage assets are recorded prior to their alteration in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

**Reason:** To ensure an accurate measurable record of the buildings exists for use in the development to ensure sympathetic restoration is carried out in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

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

3. Before work begins on works of repair (including repointing), enabling works and new dwellings, of the works for that dwelling/building shall be made on site. The Local Planning Authority shall be notified in writing of their availability for inspection and shall agree the materials of those building works in writing. The approved sample panels shall be retained on site until the work is completed. Development shall proceed in accordance with the approved details.

**Reason:** In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

4. Prior to their use in the development, details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority. The LPA may ask that samples of each type are provided on site for inspection. Development shall proceed in accordance with the approved details.

**Reason:** In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

5. The repairs to the gates and stonework shall be carried out in accordance with the submitted method statement headed Nettleham Hall Gates & Railings Methodology Statement and received by the LPA in May 2021.

**Reason:** In the interests of preserving the architectural and historic interest of the listed buildings in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

6. Development shall proceed in accordance with the following approved drawings:

Insert drawing numbers

**Reason:** For the sake of clarity and in the interests of proper planning.

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

7. Copies of the anthology in relation to the grade I listed gates, consisting of condition reports and details of conservation interventions, as detailed in the Methodology Statement, shall be submitted to the Local Planning Authority and Lincolnshire Historic Environment Record within three months of the work to the gates being completed.

**Reason:** To appropriately document the works to the gates of national significance in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

**111 142952 - FULL PLANNING APPLICATION FOR THE CONSTRUCTION OF A DRYING SHED FOR FOOD PROCESSING (B2). MANOR FARM, BRIGG ROAD, CLIXBY**

The Chairman informed the Members of the Committee that owing to the withdrawal of application number 142952, by the applicant, the application in this agenda item was no longer being considered by West Lindsey District Council, and would not be considered by the Committee at this meeting.

**112 144197 - FULL PLANNING APPLICATION FOR CHANGE OF USE OF EXISTING FIELD TO DOMESTIC USE TO GROW SEASONAL FRUIT AND VEGETABLES. 3 WALMSGATE, BARLINGS LANE, LANGWORTH**

**Note:** Councillor D. Cotton stepped down from the Committee for this item and left the Council Chamber at 6.51 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. After a short presentation on the application, and with no further updates provided by the Planning Officer, the Chairman invited the first speaker, Steve Harper, the applicant for the application, to address the Committee. The applicant made the following statement.

The speaker informed Members in his first point that the application had near unanimous support from the neighbours, the Parish Council, and that none of the statutory bodies had objected to the proposed site that would facilitate the erection of storage, a shed and a greenhouse which was not allowed at the time. The Speaker informed the Committee that these buildings would be inconspicuous and placed in the corner of the plot. The Speaker wanted to grow fruit and vegetables for himself and his family, and was trying to create more biodiversity, which included proposed tree planting, erection of indigenous hedges and the creation of wildlife corridors.

The speaker's second point was on the report issues raised by the Planning Officer. The Speaker stated that on adjacent streets and fields to the proposed site, there was an industrial site, proposed future homes, a nature reserve and a caravan park with a field lost, which showed that these had all gone through evidence of change of use. Mr Harper then referenced comments by the Planning Officer in the report.

The speaker concluded his statement that this application was trying to reduce his carbon footprint, focus on self-sustainability, and improve the biodiversity in his property.

The Chairman thanked Mr Harper for his comments, and then invited the second speaker, Rick Poulton, an objector, to address the Committee. The applicant made the following statement.

The speaker said that there was an issue with the applicant's declaration in the initial application, in box 24 of the application, as he was an elected member, and the way that the public notice of the application had been arranged. The statement then went to say that this application was a 'Trojan horse' and referred to the applicant's history in horticulture. The Speaker stated that only 250 square metres would be needed for an allotment for the

desired purpose of the applicant, and referred to that the proposed site was ten times that size, with reference made to it as an 'industrial scale'.

Mr Poolton informed Members that he had moved to the area due to his medical issues, and stated that the proposed development would increase noise and the pollution would affect his health, and said other neighbours would be affected. The Speaker stated that the application would contravene his human rights, and would contravene Article 8 of the Human Rights Act.

The speaker then concluded by saying that the development went against LP55, other planning policies, would affect his health, and that the application was hidden under the sustainability label, with possible foul play, and that the deeds to the applicant's property prohibited business operations.

Following the comment about the applicant not stating that he was an elected councillor, the Planning Manager informed the Committee that this was as a Parish Councillor of Saxilby with Ingleby Parish Council, and that the applicant is not a West Lindsey District Councillor.

The Chairman then ask the Legal Advisor to respond on the comments from the objector regarding the human rights point. The Legal Adviser drew Members' attention to the Officer's report on page 93 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 Members of the Committee.

There was debate regarding the growth of fruits and vegetables, and the nature of the application. One comment included that the proposed development would improve the environment, and enhance the landscape. A Member remarked that the desired effect of the application was not similar to a farm. The same Member commented that if the application was to be granted, future development rights should be removed.

In response to a question about it being a horticultural development, Members heard from the Planning Manager that the application was for a change of use to domestic curtilage. This would then have permitted development rights, which allowed for building new domestic outbuildings, on up to 50% of the land without requiring further planning permission. The Members heard that the plans for sheds and outbuildings only came from an indicative layout design and was not necessarily what would be on the site.

A question was posed by a Member regarding who owned the rights to the land, to which the Committee learnt that the entire site was owned by the applicant. In a separate question about the horticulture, Members heard that fruit and vegetables could be grown on agricultural land without planning permission, and that if granted for domestic use would have Class 1E benefits for domestic outbuildings.

The Chairman proposed a site visit in order to help Members better understand the application and the area surrounding the proposed development. He stated that as a former resident, he knew the area and the various activities of the area assuredly.

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.

**Note:** Councillor D. Cotton returned to the Council Chamber at 7.18 pm.

**113 144171 - PLANNING APPLICATION FOR CHANGE OF USE TO 9NO. RETIREMENT HOMES. BLYTON PONDS, BLYTON**

The Chairman introduced the next application, number 144171, application for change of use from holiday park to 9no. retirement homes for the over 50s resubmission of 143250, at Blyton Ponds, Station Road Blyton, Gainsborough. Bar a response from a neighbouring property, there were no other updates to the published report. The Officer then highlighted the main aspects of the application, since its previous refusal at a past Planning Committee meeting, which highlighted the consultation period embarked by the applicant. It was noted by the Planning Officer that if the applicant was not related to a Member of the Council, the decision would have been delegated.

The Chairman stated there was one submitted statement from an objector, A Goodman, to be read aloud by the Democratic Service Officer. The following statement was read aloud.

“Planning in 2009 stated that caravans were not to be situated on borders of no 11 leaving approximately 16-20 feet yet once again the owner is asking for caravans to be moved to the borders. There is no need for a site for the over 55's as there are already numerous bungalows both private and housing association also there are existing caravan sites within the village with regard to the 2009 planning application several points were not adhered to i.e. workers residing on site and travelling to their work sites.”

The Chairman then invited comments from Members of the Committee.

There was some debate regarding the issue of flooding in the area, with references to past flooding experiences, and the potential for monitoring the situation. It was referenced by a Member that Condition 4 specified flooding issues and the requirement for drainage plans to be submitted prior to occupation.

**Note:** Councillor I. Fleetwood declared that he was a Member of the Scunthorpe & Gainsborough Water Level Management Board. Regarding the flooding concerns, he commented that this was heavily considered by the Board.

A query was made regarding the new caravans, with the Planning Officer stating that this application was replacing the current caravans on the site. There was also comment that this would allow for more accommodation suitable for the over-55s.

**Note:** Councillor I. Fleetwood declared that he was Member of the Environment Agency's Anglian (Northern) Regional Flood and Coastal Committee, but he had not discussed this application as a Member of that Committee.

Having been proposed and seconded, the Chairman took the vote and 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 confirm 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 must be carried out in accordance with the following proposed drawings:

- AF/20/01 received 7th January 2022 – Location Plan
- BP/21/04 Rev A dated 16th April 2021 – Site 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 LP4, LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

3. No occupation must take place on site until full elevation and floor plans details for all 9 park homes have been submitted to and approved in writing by the Local Planning Authority. The development must be completed in accordance with the approved details.

**Reason:** The safeguard the character and appearance of site and the surrounding area to accord with the National Planning Policy Framework and local policy LP17 and LP26 of the Central Lincolnshire Local Plan 2012-2036.

4. No occupation must take place on site until details of a scheme for the disposal of foul/surface water (including any necessary soakaway/percolation tests) from the site and a plan identifying connectivity and their position has been submitted to and approved in writing by the local planning authority. No occupation of each individual park home must occur until the park home has been fully connected in accordance to the approved drainage scheme.

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

5. If during the course of development, contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) 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 to accord with the National Planning Policy Framework and local policy LP16 of the Central Lincolnshire Local Plan 2012-2036.

6. No occupation must take place until a comprehensive landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. Details to include:
- Landscaping used to provide an area of privacy for the occupants of each Park Home.
  - Material finish of all new or retained hardstanding

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

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

7. No occupation of each individual park home must take place until the visitor vehicle parking area and the park homes individual vehicle parking spaces identified on BP/21/04 Rev A dated 16th April 2021 have been fully completed and retained for that use thereafter.

**Reason:** To ensure each park home has sufficient off street parking prior to occupation 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.

8. The development must be completed in strict accordance with the mitigation measures described in section 5 (page 15) of the Flood Risk Assessment by EWE Associates Ltd dated June 2021. The mitigation measures must retained thereafter.

**Reason:** To prevent flooding and protect the future residents to accord with the National Planning Policy Framework and local policy LP14 of the Central Lincolnshire Local Plan 2012-2036.

**114 143957 - PLANNING APPLICATION TO ERECT 1NO. DETACHED DWELLING AND CREATION OF VEHICULAR ACCESS. LAND ADJACENT TO MANOR COTTAGE, SAXBY**

The Chairman introduced application number 143957, to erect 1no. detached dwelling and creation of vehicular access, on Land adjacent to Manor Cottage, Saxby. The Officer informed the Members of the Committee that there were no updates on the application. A short presentation was then given by the Officer.

The Chairman invited the register Speaker, the applicant, Mr Tom Neave, to address the Committee. The following statement was made.

Mr Neave stated that he was to address the reasons for refusal. He stated that the Officer accepted that there were enough dwellings and the village did not form a single cluster, with the proposed development forming part as a single and compact settlement. Whilst there is some open space, the Speaker pointed to nearby land and that this did not form a compact cluster, did not separate the village and therefore met the definition of a hamlet. He said that the Officer viewed the application as finely balanced, and then commented that the application was an 'infill', as it was immediately east of one property, and the adjacent side was the access to Manor Farm.

The applicant stated it was within a developed boundary, and continuous frontage and met the requirement of policy LP2. The speaker commented that the design objections were subjective, with the property being in a wider setting of the church and farm buildings, with no impact on the heritage, mimicked a converted barn, and was designed to blend into the surroundings. The speaker concluded that the application was careful to not propose a typical building harmful to the village. He concluded his remarks by saying that he was actively involved in the family's farm and wanted to be able to work and live in the village.

The Chairman thanked the applicant for his comments, and invited the final Speaker, Local Ward Member Councillor Jeff Summers, to address the Committee.

The Member stated that the Neave family had lived in the area for four generations, and that he felt the family's history encompassed the village. He informed Members that he was going to run the farm, and that the responsibilities of doing so required a suitable house nearby, and the development would have to be onsite particularly to deal with instances including fire, and protecting livestock. The Member stated that the application site was alongside the farmers' entrance.

Commenting on the Officer's report, the Member said St. Helen's Church was 150 metres away from the site, with 1 house in view within 30 metres of the church, and that you could not see the property site from the church. Remarking about the design, the Member referenced that though the proposed dwelling was of a modern style, it was 100 years since the adjacent house was built, meaning that design practice would have changed, and that the Cliff Road properties had different mixture of stone and red brick design, which the Member stated was seen in the proposed application. The Member then stated that in his view, there was not a major contravention of several planning policies in the proposed application, including amenity, footprint, and agricultural need.

**Note:** Councillor J. Summers stepped down from the Committee for the rest of this item and left the Council Chamber at 7.44 pm.

The Chairman then invited comments from Members of the Committee.

Debate ensued, and there followed significant discussion on the development of the application, the materials used, and the reasoning for the proposed development. One Member brought a possibility of conditions for granting that could have included the usage of different materials, such as stone and cobbles to be more sympathetic with the surrounding area. This was confirmed as an option for the committee if they considered it was necessary, by the Planning Officer.

**Note:** Councillor D. Cotton declared that he was a Member of the Central Lincolnshire Joint Strategic Planning Committee.

It was noted by Members the reasons for the applicant to live in the village, and to grant the

application were important to the running of a nearby farm, and that the applicant did have familial links in the area. A Member raised that occasional development in the countryside was fine in his interpretation, and that the church was not viewable from the site.

In response to a question regarding a comment by the Health and Safety Executive, Members learnt a Hazardous Zone was a constraint placed on some sites, such as those with unidentified pipelines, and requiring consultations.

**Note:** Councillor I. Fleetwood declared that he was a Member of the Central Lincolnshire Joint Strategic Planning Committee.

**Note:** Councillor R. Waller declared that he was a Member of the Central Lincolnshire Joint Strategic Planning Committee.

The Planning Manager informed Members that the application did not state that the development was for an agricultural worker and would have received different analysis. He also informed the committee that the Planning Department did not feel Saxby was a hamlet as defined by LP2. Members also heard that if they were minded to grant the application, they were able to condition the materials used.

It was confirmed by the Planning Manager that the application was not put forward as a building for an agricultural worker, and that no evidence of such was presented in the application. The Officer confirmed that if it was considered to be a hamlet, then the proposed application would need to be an 'infill' site – officers were not convinced that it was a hamlet, or an infill plot and would be a departure from policy, but committee would need to consider whether they think it met with the definitions.

On hearing further comments regarding the design of the property and the hamlet discussion, the Chairman proposed a site visit, in order for Members to better understand the proposed application. This was 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.

**Note:** Councillor J. Summers returned to the Council Chamber at 7.56 pm.

#### **115 143877 - PLANNING APPLICATION TO ERECT 1NO. DWELLING. LAND ADJACENT TO 5 BECK HILL, TEALBY**

The Chairman introduced the final application of the meeting, application number 143877, to erect 1no. dwelling, on Land adjacent to 5 Beck Hill, Tealby. The Officer informed the Committee that there was an update to the report, having received additional correspondence regarding the right of way access. The Officer then went through a short presentation on the application.

The Chairman stated that there was one registered speaker for the application, one of the applicants, Jools Ferrier-Hanslip. The following statement was made.

The Speaker commented that she was pleased with the Officer's recommendation of granting the property. After introducing her family, she detailed their history in the village, and the need for another dwelling on site for the family members. She commented that the proposed non-speculative design tried to reflect the character of the surrounding area. In

concluding her remarks, the Speaker stated that this proposal would create their forever home, and hoped that the Committee would support the application.

The Chairman explained there were three statements submitted from objectors to be read aloud by the Democratic Services Officer, the first being from Pauline Bacon. The following statement was read aloud.

"I am not resident in Tealby but have lived closely to the area for fifty years

1. Over development of site. 2. Not in keeping with Area of outstanding natural beauty. 3. Not in keeping with Tealby conservation Area. 4. Added disturbance to neighbours. 5. Added traffic congestion on a tiny lane which already a very busy thoroughfare. Finally, 6. A worrying PRECEDENT. How many more future requests for garden spaces to be almost completely built over? I wish to thank the committee for addressing my deep concerns."

The Chairman invited the Democratic Services Officer to read aloud the second statement, from Andrew Laing. The following statement was read aloud.

"I am a resident of Beck Hill and live about 40 yards from the proposed scheme. Our house is some 15 feet lower than the ground being considered in the application. I appreciate that our concerns about the previous application have to some extent been addressed but we remain worried that the proposed building will be out of character in an already congested area. There are, however, two matters that should be considered:"

"The effect on Beck Hill."

"Beck Hill is a narrow lane with no pavement and no passing places for vehicles. It is generally busy with pedestrians (these are local children, elderly residents, their pets, horses and groups of walkers) It is part of "The Viking Way". It is also used by residents' cars and, more recently, by delivery vehicles. Pedestrians have to flatten themselves against the sides of the road to avoid accidents. The danger to children, pets, and others would only be increased as a result of the proposal. Furthermore the access entrance would be shared by three households causing additional congestion where it is already crowded."

"Subsidence."

"Our house, 8 Beck Hill, suffered from subsidence for several years as a result of a leak in the village Hall Higher up the Hill. Springs also appeared in our garden. Both problems were resolved when the leak was finally mended. It is probable that further subsidence and springs will occur as a result of the proposed earthworks."

The Chairman invited the Democratic Services Officer to read aloud the third and final statement, from Gail Firkin. The following statement was read aloud.

"Further to my objection on the planning portal for application 143877 dated 22.11.21 I would like to point out that the current right of way over my drive applies to the existing property only "for the use and enjoyment of the property as a private dwelling house". This does not include a second, new property."

"Therefore, access to a new property cannot be via the existing right of way to the host dwelling as stated in your minutes of a meeting held on 2.3.22."

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

Debate ensued, and observations were made about the design of the application, and whether it was substantially different to an application previously rejected, that the proposal was a dominant property on a small site, and 'shoe horned' in to the lot. Other Members drew attention to the fact that other modern developments approved by the Council had smaller square footage for property, and it was quite subservient to the existing property.

With regard to a question regarding the depth of the property, Members learnt that it was the proposed swimming pool that was 4 to 5 metres below. It was also learnt that in relation to the water course on the property that it was a private convenience, and that the applicant would have to resolve that if it was not already done. The Officer confirmed that the changes to the previously rejected application were substantial enough to grant this application since the previous one's refusal.

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 reasons for refusing the application on the basis of the proposal causing overcrowding and overdevelopment of the site and the immediate area. It was then suggested that due to the contrast with the surrounding properties, that the proposed development did not reflect the vernacular or tie in with the village, and that it was too big and overbearing. This was considered to be in contravention of LP26 regarding the scale and design and impact on the street scene, and LP17 regarding the impact of the village character, in the Central Lincolnshire Local Plan.

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

*The proposed dwelling would result in the over-development of the site. It would, as a result of its scale, mass and positioning, be overbearing and would result in harm to the prevailing character and amenity of the surrounding area. This would be contrary to LP17 and LP26 of the Central Lincolnshire Local Plan.*

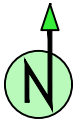
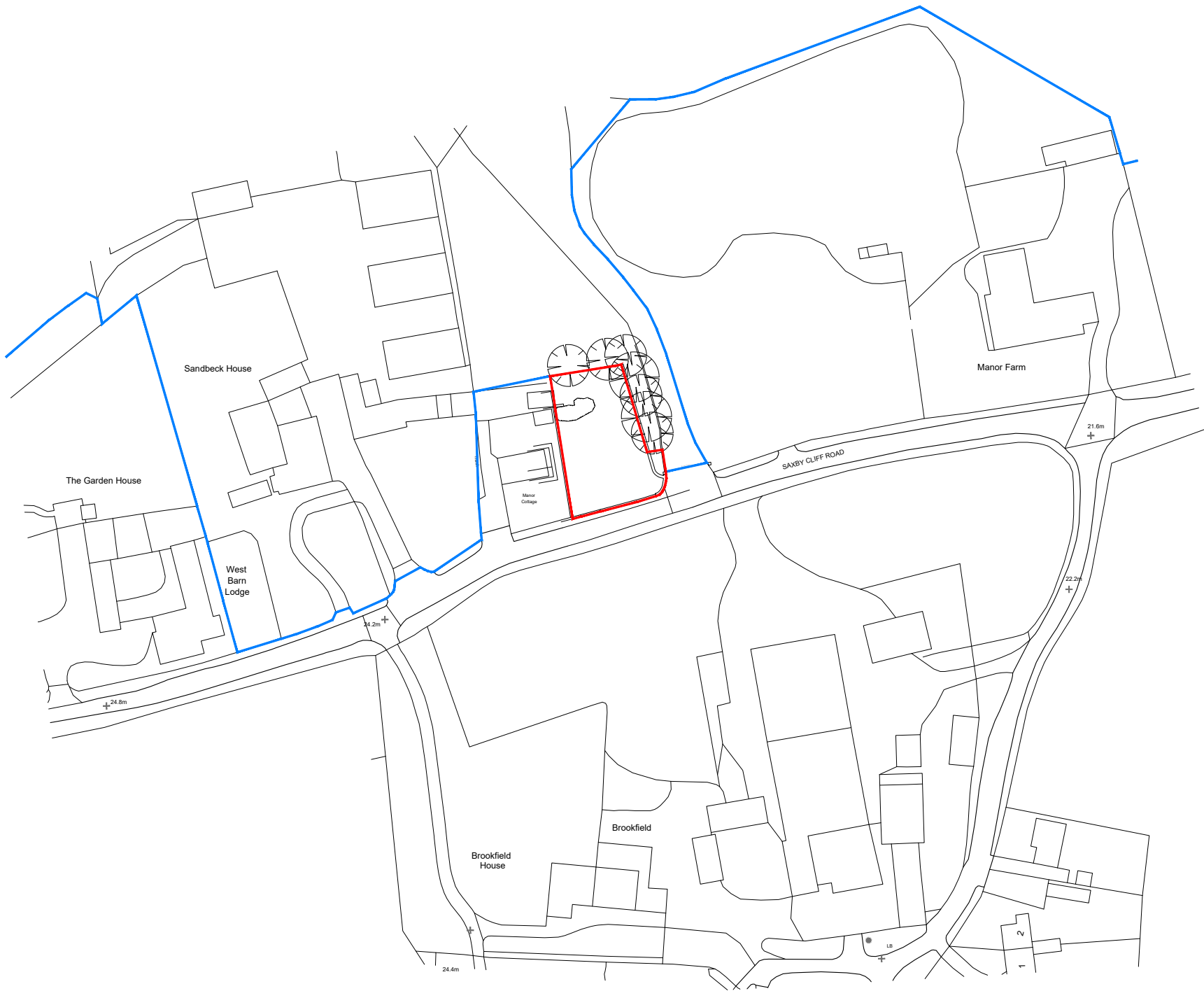
## **116 DETERMINATION OF APPEALS**

A short discussion over the Sudbrooke appeal occurred, with disappointment of its granting, and expressed shock over the Inspector's thinking regarding the appeal. There was a comment that heartened to see the dismissal of the related costs appeal.

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

The meeting concluded at 8.24 pm.

Chairman





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Project	Proposed Dwelling	
Location	Saxby Cliff Road, Saxby	
Drawing Title	Site Location Plan	
Status	Planning Application	
Date	28.10.2021	
Scale	1:1250 @ A3	
Drawing No.	8221-02	Rev

1.

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## **Officers Report**

### **Planning Application No: 143957**

**PROPOSAL:** Planning application to erect 1 no. detached dwelling and creation of vehicular access

**LOCATION:** Land adj Manor Cottage Cliff Road Saxby Market Rasen LN8 2DQ

**WARD:** Waddingham and Spital

**Ward Member:** Cllr J Summers

**TARGET DECISION DATE:** 31/03/2022

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Refuse permission

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This application returns to planning committee after it was deferred for a committee site visit at the committee meeting held on 30<sup>th</sup> March 2022. The site visit was undertaken on April 7<sup>th</sup> at 4 pm and the application returns to the 27<sup>th</sup> April planning committee for determination.

The application has been referred to the planning committee as it is supported by the Ward Member and on balanced planning matters, over the interpretation of Saxby under policy LP2 (settlement hierarchy), and it is recommended that planning permission is refused.

There are no other updates to the report.

**Description:** The application site is located in Saxby and consists of a piece of grass land enclosed by front and side boundary walls. It is within a Health and Safety Executive hazardous installations consultation zone.

A residential property (Manor Cottage) adjoins the site to the West while a track serving agricultural buildings to the North runs along its Eastern boundary. Manor Farm House, a Grade II listed building sits approximately 80 metres to the East of the site and Grade I listed St Helens Church is located approximately 115 metres to the South West. Public right of way Saxb/9/1 runs past the west boundary of Manor Cottage and runs north to South through Saxby.

This application seeks permission to erect one new dwelling.

**Relevant history:**

None on the site.

West Barn Cliff Road – 139218 Planning application for sub-division of West Barn into 2no. dwellings, forming West Barn and West Barn Lodge – Concluded Saxby not to fall within the definition of a hamlet. – 2019.

### **Representations:**

#### Cllr Summers:

The village of Saxby is an exemplar form of how a village should be cared for. The Neave family originally came to the village in the second half of the 1800 s. Through the generations it is clear to see how they have meticulously developed the asset to not only create an idyllic rural village to meet their needs but also create a community. Being significant landowners they have meticulously farmed the immediate area and grown the opportunities for employment in both arable and livestock sectors.

The village like so many is split by a road, Saxby Cliff Road, creating what might appear to be a North South divide. Nothing could be further from the truth. This is a community comprising of more than 15 houses creating the classification of a hamlet as per The Central Lincolnshire Local Plan. St.Helens Church sits to the south of the village some 115 metres distant of the proposed development of which you claim, The Harm would be "LESS THAN SUBSTANTIAL" in causing harm to the designated heritage assets. Here i disagree for the following reasons.

1. whilst standing in the grounds of the church and viewing the northern aspect along Saxby cliff road nothing stands out of character in any way.
2. Farm buildings, cottages and farm houses all sit sympathetically within the parish.

Of the buildings which would be described as significantly harmful and creating conflict to the setting of the historic church, then the red bricked house with a newly added large extension only 20 metres adjacent the church would fit perfectly. Also the house to the rear of the church with a Victorian gable end i see as equally conflicting and harmful. Both houses are of a different period.

It has been said by those involved in planning, new build should reflect it's period whilst sympathetically blending in with its surrounds. Here we have an application to build a new house, made of stone, cornered with brick, identical in those features in several other houses along the street scene and delicately imitating an agricultural barn. There is most certainly no conflict or harm being caused to the much loved St Helens Church or any other aspect of this village.

I can fully support this application.

Should this application be considered for refusal then i respectfully request it goes to committee for a decision.

Parish Meeting: None received to date.

#### Local residents:

The Old Rectory – objects to the proposals as summarised below:

- Impact upon the Listed Church, views and historical landscape
- Impact upon the historical form of the village.
- The development does not enhance or benefit the village

- Guidance suggests that Saxby is a hamlet and infilling of the environment is relevant. However, there is no guarantee that the new dwelling will be for a local family residency as numerous other properties in the village are privately tenanted. The new build is not therefore locally required.
- The appearance of the proposed dwelling is not in keeping with the local environment.

LCC Highways and Lead Local Flood Authority: Does not wish to restrict the grant to permission but permission should include highway conditions/informative(s).

Health and Safety Executive:

- The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.
- There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding

National Grid: None received to date.

Archaeology: The proposed development is located within the historic core of the shrunken medieval village of Saxby. The developer's Heritage Impact Assessment has also demonstrated that historic maps show that buildings have formerly stood in the southwest corner of the site, which may have been vernacular mud and stud cottages. The location within the shrunken medieval village of Saxby also means that there is potential for remains of historic settlement and activity on this site prior to the village's later decline. Medieval pottery has also been recovered from a similar modern garden nearby to the east of the proposed development. It is therefore recommended that the developer be required to commission a scheme of archaeological works consisting of the archaeological monitoring and recording of all groundworks, with the ability to stop and fully record archaeological features.

The Ramblers: None received to date.

Historic England: Thank you for your letter of 22 November 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

#### West Lindsey Conservation:

Planning permission is sought for the erection of a two storey detached dwelling in Saxby. It would be to the immediate east of Manor Cottage. St. Helen's Church, listed at grade I, is located approximately 115m to the south of the application site and Manor Farmhouse, listed at grade II, is located approximately 80m to the east.

The Local Planning Authority must have regard to its statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in determining this application, in that it must have special regard to the protection of listed buildings and their settings in considering planning applications.

Saxby is a small historic settlement and most of the built form is traditional in its style, with much of it related to the local farming industry. Dwellings tend to be found within spacious plots. The setting of heritage assets is established through a number of factors including the character of the locale in which they are found. The two designated heritage assets are experienced within this setting and it positively contributes to their significance.

It is my opinion that the proposed dwelling would have the appearance of a modern-style dwelling, rather than that of a barn as described in the submitted documents. The design would be jarring against the established traditional built form in the settlement and as such, the proposed dwelling would be highly conspicuous, particularly so in this prominent location on the main route through the settlement.

In considering the small size of the settlement and its established traditional character, the proposed dwelling's impact would be relatively large. It would alter the atmosphere of Saxby through seeking attention rather than blending in. This would have a negative impact upon the setting of the nearby listed buildings.

In considering the National Planning Policy Framework 2021 (the NPPF), the harm to the designated heritage assets would be less than substantial. The NPPF is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. The identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF).

Whilst there could be the opportunity for the plans to be amended to reduce impacts, I understand there are concerns regarding the principle of the development that would need to be overcome before dealing with the specifics of design or siting.

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

- **Neighbourhood Plan (NP)**

Saxby Parish are not currently preparing a Neighbourhood Plan

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

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

#### National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- <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 February 2019. Paragraph 213 states:

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

- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Design Code (2021)**

#### Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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

- **Draft Central Lincolnshire Local Plan**
- <https://central-lincs.inconsult.uk/CLLP.Draft.Local.Plan/consultationHome>

The first consultation on the draft Central Lincolnshire Local Plan ran between 30th June and 24th August 2021

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

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Reducing energy Consumption – Residential development

Policy S20 Flood Risk and Water Resources

Policy S52 Design and Amenity

Policy S56: The Historic Environment

However, as the draft CLLP is at its first stage of preparation and there are still unresolved objections, the policies at this time carry very limited weight in the determination of this application.

**Other:**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - In determining this application special regard to the protection of listed buildings and their settings must be given in the consideration of planning applications.

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

**Main issues**

- Principle of development
- Design and visual amenity and impact upon the Historic Environment
- Neighbouring amenity
- Highway Safety
- Drainage
- Archaeology

**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. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and due to the type of development and location of the site Policies LP1 Presumption in favour of Sustainable Development, LP2 the Spatial Strategy and Settlement Hierarchy and LP55 Development in the Countryside are considered relevant. Policy LP2 and part D of Policy LP55 is considered to be in accordance with Chapter 5 of the NPPF. Full weight is therefore afforded to them in the assessment and determination of this application.

Policy LP2 focuses on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure. It sets out a hierarchy for development proposal depending on their location. Saxby is not noted in any of the settlements designated in tiers 1-6 of the hierarchy due to the lack of services and facilities within it. Consideration must therefore be given to it qualifying as a Hamlet as defined in tier 7 or having a Countryside Location as set out in tier 8.

Tier 7 of Policy LP2 defines Hamlets as:

#### ***"7. Hamlets***

*For the purposes of this Local Plan, a hamlet is defined as a settlement not listed elsewhere in this policy and with dwellings **clearly clustered together to form a single developed footprint**\*\*\*. **Such a hamlet must have a dwelling base of at least 15 units** (as at April 2012). Within such hamlets, single dwelling infill developments (i.e. within the developed footprint\*\*\* of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations\*\* will be supported in principle."*

Policy LP4 defines the 'developed footprint' of a settlement 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 the settlement;*
- and*
- d. outdoor sports and recreation facilities and other formal open spaces on the edge of the settlement."*

In the determination of application 139248 in 2019 at West Barn, Cliff Road Saxby, the officer report concluded that Saxby did not meet the definition of a Hamlet as set out in Policy LP2. This was because dwellings in Saxby were

not considered to be clearly clustered together to form a single developed footprint and there is a clear divide between the dwellings on the northern side of Saxby Cliff Road and those clustered around the agricultural buildings to the south. Consequently it was concluded that there is no continuous built form because of the large grassed areas that separates them. This decision is a material consideration in the determination of this application.

In the assessment of this application and from the site visit undertaken by the officer, it is clear that Saxby meets the 15 dwelling base requirement in tier 7 of Policy LP2. However, the matter of the dwellings being clustered together to form a single developed footprint is not such a clear cut matter. The dwellings are in fact set amongst and separated by pockets of undeveloped land, open space, agricultural buildings and agricultural land. The conclusion reached in planning application 139248 is therefore understood. However, the matter of the 15 dwellings being clustered together and identified as the single developed footprint is subjective, open to interpretation and the matter of Saxby meeting the definition of a hamlet is therefore finely balanced.

The ward member has set out in their representations that they consider Saxby is a hamlet as defined in Policy LP2, with its rural character being noted and similar to other village hamlets in the district. If the committee should agree that Saxby is a hamlet then the requirements set out in Tier 7 of Policy LP2 would be relevant for consideration in determining the principle of development. This policy sets out that:

*Within such hamlets, **single dwelling infill developments** (i.e. within the developed footprint\*\*\* of the village and **within an otherwise continuous built up frontage of dwellings**) in appropriate locations\*\* will be supported in principle.”*

“Infill” is defined within the glossary (annex D) of the CLLP as “Development of a site between existing buildings.”.

The development in this regard proposes a single dwelling but having undeveloped land bordering it would not constitute infill development or within an area having a continuous built up frontage of dwellings. Consequently, if Saxby was considered to be a Hamlet, the site would not be considered an appropriate location for the development and not in accordance with the requirements of Policy LP2 (Tier 7).

Alternatively, if the committee do not consider that Saxby is a hamlet as defined in tier 7 of Policy LP2, the development of the site would fall within tier 8 of Policy LP2’s hierarchy and considered to be in a countryside location.

For a countryside location Policy LP2 guides:

“8. Countryside

Unless allowed by:

a. policy in any of the levels 1-7 above; or

b. any other policy in the Local Plan (such as LP4, LP5, LP7 and LP57), development will be regarded as being in the countryside and as such restricted to:

- 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.”

The proposals in this instance are considered to be relevant to those falling under Policy LP55 and consequently Part D New dwellings in the countryside is principally relevant and states:

**Part D: New dwellings in the countryside**

Applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2. Applications should be accompanied by evidence of:

- a. Details of the rural operation that will be supported by the dwelling;
- b. The need for the dwelling;
- c. The number of workers (full and part time) that will occupy the dwelling;
- d. The length of time the enterprise the dwelling will support has been established;
- e. The ongoing concern of the associated rural enterprise through the submission of business accounts or a detailed business plan;
- f. The availability of other suitable accommodation on site or in the area; and
- g. Details of how the proposed size of the dwelling relates to the enterprise.

Any such development will be subject to a restrictive occupancy condition.

The supporting statement submitted with the application does not include any justification for the dwelling which relates to its essential need to the effective operation of rural operations as set out in Policy LP2. Consequently the proposed development does not meet the requirements of Policy LP55 and the principle of a new dwelling in this location is not supported by it.

Principle conclusion:

It is considered, consistent with previous applications, that Saxby is not “clearly clustered together to form a single developed footprint” and does not meet with the CLLP definition of a hamlet. Consequently, as development within the countryside, and as set out in tier 8 of Policy LP2, no justification for the dwelling which relates to its essential need of the effective operation of a rural operation has been provided and the development is not therefore in accordance with the requirements of Policy LP55.

However, If the committee should determine that Saxby is a Hamlet as defined in tier 7 of Policy LP2, the development of the site is still not considered to constitute infill development or within an area having a continuous built up frontage of dwellings. Consequently, the site would not be

considered an appropriate location for the development and not in accordance with the requirements of Policy LP2 (Tier 7). It is therefore recommended that the principle of development overall is not in accordance with Central Lincolnshire Local Plan policies LP2 and LP55.

Design, visual amenity and impact upon the Historic Environment.

The application site is currently open grass land which is enclosed by low front and side boundary walls. It faces onto Cliff Road, sits immediately to the east of Manor Cottage and approximately 80 metres to the West of Manor Farmhouse, a grade II listed building. Grade I St Helens Church is also located approximately 115 metres to the South West. Public right of way Saxb/9/1 runs along the West Boundary of Manor Cottage and runs north to South through Saxby affording views through it. The site therefore has clear visual presence along the highway, from the surrounding area and within the setting of the two nearby listed buildings.

In such cases Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Policy LP25 also relates to The Historic Environment and relevantly guides that:

*Development proposals will be supported where they:*

*d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset.* This policy is in accordance with Chapter 16 of the NPPF and full weight therefore afforded to it in the determination of this application.

Special regard therefore needs to be given to the siting, size, scale layout, design and materials of the proposed dwelling to ensure the setting of the nearby listed buildings are preserved. Consideration must however also be given to these matters to ensure they respect and protect the character of the area. Policies LP17 and LP26 are also relevant in this regard and state that development must

*LP17: protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, as well as maintain and respond positively to any natural and manmade features within the landscape which positively contribute to the character of the area.*

*Policy LP26 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.*

These policies are considered to be in accordance with parts 12 and 15 of the NPPF and full weight therefore afforded to them in the assessment of this application.

In relation to the application site and the character of Saxby it is noted that it has always remained predominantly undeveloped. Saxby is an area formed by a mixture of residential and farm buildings which are all set amongst areas of open land/fields and therefore very rural in nature. The dwellings and buildings within the area are also noted to be traditional in style and due to the scattered nature of the buildings amongst the undeveloped areas, their individual presence are elevated and collectively form a strong distinctive character and sense of place; which is connected to its agricultural and historical roots.

The two listed buildings and how they are experienced within this distinctive and local historic character is considered to positively contribute to them and to their significance. The undeveloped nature of the application site and its position between the listed Manor Farm House and Manor Cottage clearly forms part of the historical form of Saxby. The development of the site would clearly impact upon this and how the Listed Farm House is experienced, especially because of their prominent positioning along Cliff Road.

Views of the site are also afforded from and towards the grade I listed Church and both can be read in the same context due to its prominent location on the main route through Saxby. It is because of its location that the development of the site would have a clear presence and impact upon the character of the area, including the setting of the Listed Church. In relation to the proposed development and the design of the proposed dwelling, the conservation officer has raised concerns over the modern appearance of it. Its design, detail and fenestration features are not considered to result in a barn type building as stated in the supporting statement, nor is it in-keeping with the established traditional built form in the settlement. It is therefore considered that the proposed dwelling would jar against the traditional characteristics of the buildings forming the character of the area and as a result would have a highly conspicuous presence in a prominent location. Because of this and due to the small scale of Saxby, the development would have a relatively large impact upon its distinct character. Its presence would consequently be at odds with and detrimental to the distinct local and historical character of Saxby and would alter the atmosphere of the area. The presence of the dwelling would therefore also result in a negative/harmful impact upon the setting of the nearby listed buildings and the development not considered to be in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan. This conclusion is also shared by a number of residents within the village.

When considering harmful impacts on designated heritage assets and the guidance set out in the National Planning Policy Framework 2021 (the NPPF); it is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. However, where less than substantial harm has been identified it guides that the identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF). The public benefits in this regard are considered to be minimal and based upon a small contribution to Central Lincolnshire's Housing supply and the economy through the construction works associated with the development. Such benefits do not therefore outweigh the harmful impact the development of the site has on the local and historical character of Saxby and the setting of the two nearby designated heritage assets. The development is not therefore considered to be in accordance with paragraphs 200 and 202 of the NPPF and do not preserve the setting of the heritage assets as required by section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The ward member does not however agree that the design and siting of the dwelling is harmful to the character of the village nor significance of the nearby Heritage Assets. The dwelling in their opinion is considered to be of its time, while sympathetically blending in with its surroundings. Its design is said to model that of an agricultural barn and is to be constructed in stone cornered with brick, which are noted to be within several other houses along the street scene. The Ward member therefore gives support to the development.

#### Neighbouring Amenity:

CLLP Policy LP26 sets out Amenity Considerations and guides that all the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. This policy is considered to be in accordance with paragraph 130 of the NPPF and full weight afforded to it in the assessment of this proposal.

The proposed dwelling will be sited to share a side by side relationship with Manor Cottage and has a separating distance of 5.3 metres between them. The ridge height of the proposed dwelling is also approximately 6.6 metres in height and consequently the relationship the two properties would share is not considered to be unusual or harmful through impacts of presence/dominance, overlooking and shadowing/loss of light. The amount of private amenity serving each dwelling would also be similar as would the relationship the new dwelling would share with the neighbouring buildings and uses. The level of amenity for the proposed dwelling and that of Manor Cottage are therefore considered to be acceptable and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

#### Highway Safety:

Policy LP13 of the CLLP 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. This policy is considered to be in accordance with Chapter 9 of the NPPF and full weight afforded to it in the determination of this application.

A new access will be formed to serve the dwelling by removing part of the existing wall facing onto the track running along the eastern boundary of the site. The site plan also indicates that space to the east side of the dwelling be utilised for off road parking provision. The Local Highway Authority have not raised any concerns/objections the proposed access or parking provision but have requested standard informative relating to works being undertaken in the public highway. The development is therefore considered to be in accordance with Policy LP13 of the CLLP.

#### Drainage:

Policy LP14 - Managing Water Resources and Flood Risk also relates to adequate drainage provision for the site. This Policy is relevantly in accordance with Chapters 14 and 15 of the NPPF and full weight afforded to it.

The site is located in flood zone 1 having a low probability of flooding and is also in a low risk area for surface water flooding as identified on the Environment Agency Flood maps. No drainage details have been provided with the application and the supporting statement notes that the securing of them can be dealt with through a planning condition. With the use of a condition securing an adequate drainage scheme and its implementation, the development is considered to be in accordance with Policy LP14 of the CLLP.

#### Archaeology:

The Archaeology section of Local Plan Policy LP25 states that Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance. This policy is considered to be in accordance with Paragraph 194 of the NPPF and full weight afforded to it in the determination of this application.

Lincolnshire County Council Archaeology have advised that the proposed development is located within the historic core of the shrunken medieval village of Saxby. The developer's Heritage Impact Assessment has also demonstrated that historic maps show that buildings have formerly stood in the southwest corner of the site, which may have been vernacular mud and stud cottages. The location within the shrunken medieval village of Saxby also means that there is potential for remains of historic settlement and activity on this site prior to the village's later decline. Medieval pottery has also been recovered from a similar modern garden nearby to the east of the proposed development.

They have therefore recommended that the developer be required to commission a scheme of archaeological works consisting of the

archaeological monitoring and recording of all groundworks, with the ability to stop and fully record archaeological features. With such a condition in place the development is considered to protect any archaeology on the site through written preservation in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

#### Other matters

No consultation responses have been received in relation to the site being in a health and safety executive hazardous installations consultation zone.

Potential amendments to the scheme: although it was indicated by the Conservation Officer that some amendments to the scheme may reduce the harmful impact the proposed development would have on the character of the area and setting of the nearby heritage assets. And the agent noted the potential willingness for his client to alter the scheme; no amendments were sort by the Local Planning Authority. This is due to the principle of development not being supported by Central Lincolnshire Local Plan Policies and the historically undeveloped nature of the site and its prominent position within Saxby.

#### **Conclusion and Reasons for refusal of permission.**

The application has been assessed against Policies LP1, LP2, LP13, LP14, LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan as well as all other material considerations including policies in the draft Central Lincolnshire Local Plan and guidance within the NPPF. As a result of this assessment the proposals are not considered to be infill development or within an area having a continuous built up frontage of dwellings nor is its rural location justified through an essential need to the effective operation of a rural operation. The siting and design of the dwelling is also not considered to respect the character of Saxby or preserve the setting of the nearby listed building. The site is not therefore considered to be an appropriate location for development and not in accordance with Policies LP2, LP 17, LP26 and LP55 of the Central Lincolnshire Local Plan and refusal of permission is recommended for the following reasons:

1. The proposals are not considered to be infill development or within an area having a continuous built up frontage of dwellings nor is its rural location justified through an essential need to the effective operation of a rural operation. The site is not therefore considered to be an appropriate location for development and does not meet the requirements of Policies LP2 and LP55 of the Central Lincolnshire Local Plan.

2. The development of the application site and the design of the proposed dwelling would result in a harmful impact upon the locally distinct and historic character of Saxby and the setting of the nearby heritage assets. The development is not therefore in accordance with the requirements of Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, as well as

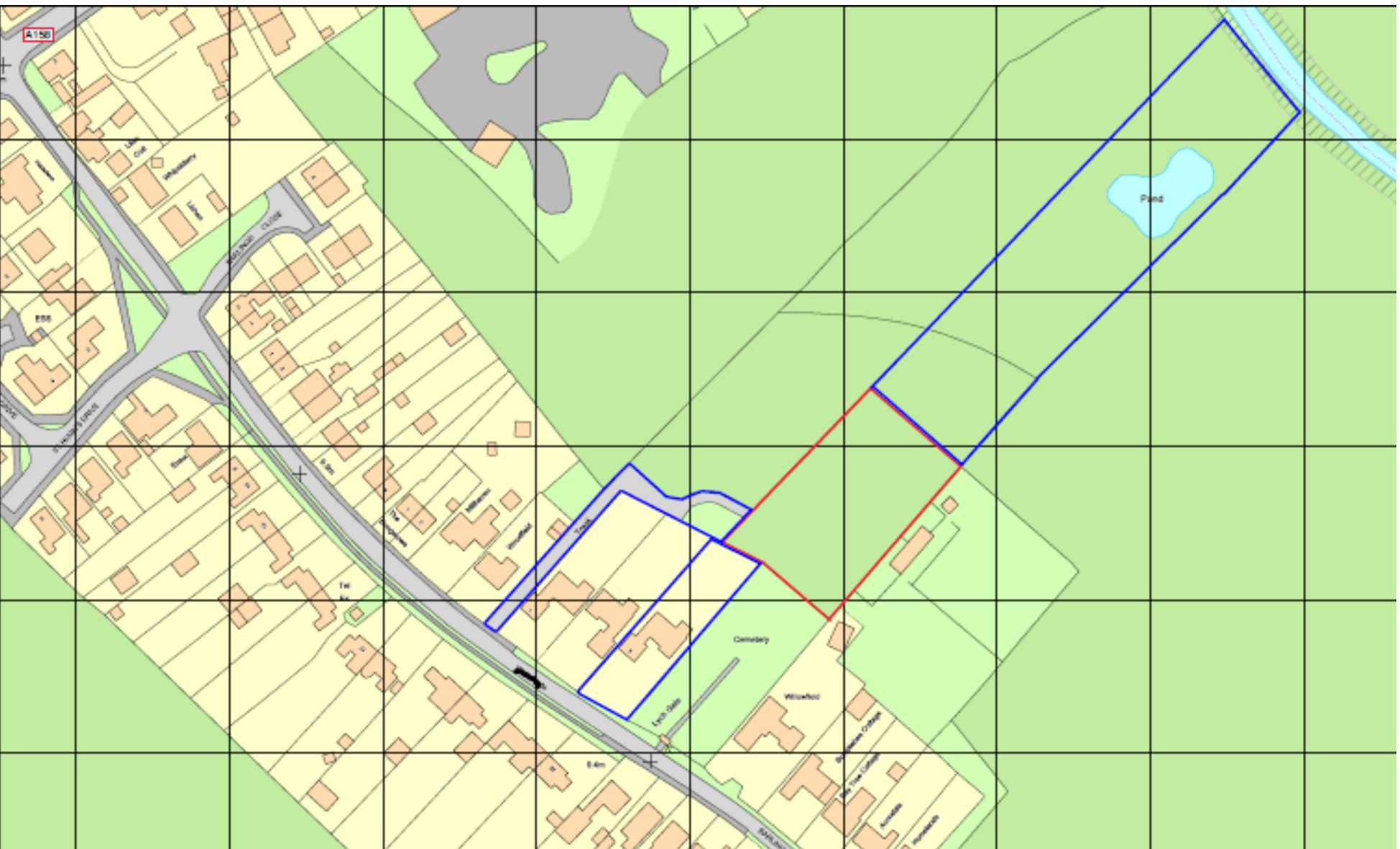
section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

**Human Rights Implications:**

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

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report



## **Officers Report**

### **Planning Application No: 144197**

**PROPOSAL:** Planning application for change of use of existing field to domestic use to grow seasonal fruit and vegetables.

**LOCATION:** Land rear of 3 Walmsgate Barlings Lane Langworth, Lincoln LN3 5DF

**WARD:** Cherry Willingham

**WARD MEMBER(S):** Cllr A Welburn, Mrs S C Hill and Cllr C Darcel

**APPLICANT NAME:** Mr Steven Harper

**TARGET DECISION DATE:** 29/04/2022

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Refuse planning permission.

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The application is being referred to the Planning Committee for determination as it is considered to be a balanced decision. The application was deferred at the 30 March 2022 Planning Committee for a site visit and is being brought back to this committee following this site visit.

#### **Description:**

The application site (approximately 2600 square metres / 0.26ha) comprises agricultural land on the edge of the built footprint of Langworth. The land is directly to the north east of the rear of No.3 Walmsgate, Barlings Lane (the host dwelling) and a cemetery. The land can be accessed via a track to the side (south west) of No.1 Walmsgate, Barlings Lane. The site is surrounded by open countryside apart from the rear garden of No.3 Walmsgate and the cemetery.

The application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables for the residents of 3 Walmsgate. The submitted statement of use also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The application form indicates that *“Any buildings that may be erected on the area in due course will be in line with this use i.e. a domestic greenhouse for plant propagation and raising tender crops and domestic type shed/workshop for housing tools and equipment needed to care for the owned land”*.

The applicant has provided further justification for the proposal on the 14 March 2022, including an indicative proposed site layout plan on *‘how the applicant would like to develop the area’* which does not form part of the planning application for determination, but is for indicative purposes.

#### **Relevant history:**

**139953** - Planning application to erect 3 no. detached dwellings. Granted 28/10/2019.

**140483** - Planning application to vary conditions 2,3,4,5,6,7 and 8 of planning permission 139953 granted 28th October 2019. Granted 28/02/2020.

**Representations:**

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

**Parish Council:** My Council has no comments; and was unanimously in favour.

**Local residents:** 2 Walmsgate Barlings Lane Langworth: Objects for the following reasons:

- We are opposed to the proposal in its current state predominantly due to environmental and potential legal/anti-social concerns. However, we would not oppose the growing of seasonal fruit and vegetables on a smaller scale.
- A generally accepted/standard size of an allotment needed to sustain a family of four, providing enough room for crop rotation throughout the year, is approximately 250 square meters (1-3). Conversely, the proposed area of the paddock to be used to grow produce is more than ten times this number and there is no mention of the size or situation of the associated out buildings.
- As a consequence, we fear the sheer scale of the proposed plan may add to visual pollution and detract from the current unobstructed view of our garden, paddock and surrounding landscape.
- Moreover, as next-door neighbours we share the private road leading to 3 Walmsgate's paddock which is situated between our paddock and rear garden, meaning any disturbances from increased traffic to install and maintain an allotment of such size will uniquely and unavoidably affect us.
- Additionally, it is worth taking into account that plot one of our three house development is currently unsold and the future residents would be even more affected by disturbances as the adjacent private road runs the entire length and width of the property.
- Risk of food going to waste.
- Furthermore, if this excess produce was to be sold on it would ultimately contravene restrictions laid out in the deeds of the property.
- The extensive and persistent use of herbicides, pesticides and manure soaking into the ground could potentially travel downhill and add to the pollution in the river Barlings Eau.
- Detriment to wildlife.
- Finally, in reference to section 24 of the Application for Planning Permission, the applicant has previously stated to us that he had involvement in local council politics, which we perceived to mean that he is or was a councillor.

Willowfield, Barlings lane, Langworth: We approve of this submission for the land to be used as domestic fruit growing area. It will not make any difference at all to the lane. A lovely idea to not build on it and instead utilise it for growing edible fruits. It's a quality piece of land which would lend itself for exactly this use.

**LCC Highways and Lead Local Flood Authority**: This proposal 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**: No archaeological input required.

**IDOX**: Checked 19/04/2022.

**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

LP9: Health and Wellbeing

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Open Countryside

*\*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 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP9 is consistent with NPPF chapter 8 as they both seek to deliver healthy and safe communities. 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. 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. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. 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 (numerous unresolved objections through the first round of consultation see below).  
Policy S2: Growth Levels and Distribution (numerous unresolved objections).  
Policy S5: Development in the Countryside (numerous unresolved objections).  
Policy S20: Flood Risk and Water Resources (3 unresolved objections).  
Policy S52: Design and Amenity (2 unresolved objections).  
Policy S53: Health and Wellbeing (5 unresolved objections).  
Policy S66 Best and Most Versatile Agricultural Land (No objections).

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/>

Langworth and Barlings Neighbourhood Plan

Langworth Parish Council has approval from West Lindsey District Council for the parish of Langworth and Barlings to be recognised as a designated area for the purposes of producing a neighbourhood plan. The Parish Council is to seek volunteers to help lead with the plan's preparation. However, at the time of writing there is no plan in circulation that may be taken into consideration when determining this application.

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 Development
- Residential Amenity
- Visual Impact
- Other Matters

### **Assessment:**

#### Principle of Development

The application seeks a change of use of the agricultural land to domestic use (garden land) to grow seasonal fruit and vegetables.

The NPPF in paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Policy 9 of the Central Lincolnshire Local Plan seeks to enhance the role of allotments, orchards, gardens and food markets in providing access to healthy, fresh and locally produced food which helps promote, support and enhance physical and mental health and wellbeing. This Policy is proposed to carry over into the Draft Central Lincolnshire Local Plan under Policy S53: Health and Wellbeing.

However, it is considered that the public benefits of growing fruit and vegetables proposed on this land are limited as the proposal is indicated as being only to serve the occupants of No. 3 Walmsgate, Barlings Lane, Langworth. If permission were granted the permission would be attached to

the land (i.e. the property at 3 Walmsgate) and not with the applicant. These matters of healthy living and access to healthier food therefore should carry some limited weight in consideration of the application.

According to the advice of the National Society of allotment and Leisure Gardeners Ltd, allotments are typically measured in 'poles' an old measurement dating back to Anglo-Saxon times. A typical allotment is up to ten poles – around 250 square metres. By comparison, the application site is ten times that – at around 2,600 square metres. It is therefore unclear as to the need for such a large garden area to serve a single property, which the application does not explain or substantiate.

The application site is in the countryside outside the built foot print of Langworth. Policy LP2 of the Central Lincolnshire Local Plan in section 8 states that development in the countryside will not be granted for development unless it is necessary for agriculture, horticulture or a use of land which necessarily requires a location in the countryside such as proposals falling under Policy LP55 of the Central Lincolnshire Local Plan.

Policy LP17 of the Central Lincolnshire Local Plan 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. No buildings or boundary treatments are proposed through this application and as stated below in the Visual Impact section of this report if it is minded to grant permission certain permitted development rights can be removed such as the right to erect outbuildings and boundary treatments which will help to keep the site free from visual clutter.

Clearly garden use does not need to be located within the open countryside. Barlings Lane in this location has a strong linear form of development with dwellings fronting the lane with rear gardens. This proposal does not relate well to the existing built foot print and relates more to the open countryside around it. A projection of approximately 65 metres to the rear of the host dwelling No.3 Walmsgate, Barlings Lane would be jarringly at odds with the form and character of the settlement creating an alien and discordant garden layout which would result in encroachment into the open countryside beyond. The proposal is considered to be contrary to both the NPPF and Policy LP55 of the Central Lincolnshire Local plan which recognise the importance of protecting the countryside and therefore the proposal is unacceptable.

It is therefore considered overall that, there are some limited benefits in providing healthier food options for the occupants of 3 Walmsgate. This would be limited to the occupants of the dwelling, and so any public benefits arising are accordingly tempered.

However, it would amount to a 2,600 square metre incursion into the open countryside. There are concerns as to how this relates to the countryside and it would be considered to be a departure from development plan policy.

#### 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 noise, overlooking, overshadowing, loss of light or over dominance.

This application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables. The submitted statement of also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the land beyond its perimeter.

The site is located to the rear of the host dwelling (No.3 Walmsgate, Barlings Lane) and a cemetery and therefore should not affect the residential amenity of nearby dwellings. However, there is some concern about the proposed access to the land to the side of Woodfeld and No.1 Walmsgate, Barlings Lane in regards to the lack of detail within the application about the proposed use of the land and how intensive it might become.

However, if it is minded to grant this application certain permitted development rights should be removed such as the erection of outbuildings so the use of this land does not become overly intensive. It is therefore considered that the proposal will not be likely to harm the living conditions of neighbouring occupiers.

These matters do not overcome the conflict with policy cited above.

#### 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.

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.

This application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables. The submitted statement of also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the land beyond its perimeter.

The site is located to the rear of the host dwelling (No.3 Walmsgate, Barlings Lane) and a cemetery and is considered to be countryside which relates more to the countryside around it. If it is minded to grant permission certain permitted development rights can be removed such as the right to erect outbuildings and boundary treatments which will help to keep the site free from visual clutter. Nonetheless, the application does indicate that (whilst not part of this application) it is their intention that *“The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the paddock beyond its perimeter.”* It therefore has the potential for harm, if limited, to the character and appearance of the countryside beyond.

#### **Other Matters:**

##### Agricultural Land

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 3 – Good to moderate as is most of the land in and around Langworth. The map does not distinguish between grade 3a and 3b – 3A land qualifies as “best and most versatile (‘BMV’) land.”

Policy LP55 part G seeks to protect the best and most versatile agricultural land. The site is located within one of the best and most versatile categories. However, the land is not currently used for an intensive agricultural use. It is considered that the proposal to grow fruit and vegetables on the land would mean the land is being used for an appropriate use and could easily revert back to intensive agricultural production

However, these matters do not overcome the conflict with policy cited above.

##### Paddock and Stable Block

There is a paddock and stable block to the south east of the site with no planning history. It is unclear whether this is a lawful use. However, such a use is considered likely to be appropriate under Policy LP55 of the Central Lincolnshire Local Plan as it is a recreational use that may justify a countryside location. The principle of development can therefore be supported subject to other material considerations.

### Land Ownership

The applicant has confirmed that they own all the land shown on the submitted plans marked in red (the application site) and other land marked in blue.

Additionally the applicant has confirmed that they own the access track to the site subject of this application. No.2 Walmsgate has access over the track to their field, but they do not share ownership, they just have access to their field and the right to maintain any services that cross the lane with reasonable notice (there are no services). No.1 Walmsgate has access over the very first part of the track between Barlings Lane and the first gate.

### **Recommendation: Refuse planning permission for the following reasons:**

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, LP4: The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, Policy 9 – Health and Wellbeing, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. Garden use does not need to be located within the open countryside. Barlings Lane in this location has a strong linear form of development with dwellings fronting the lane with rear gardens. This proposal does not relate well to the existing built foot print and relates more to the open countryside around it. A projection of approximately 65 metres to the rear of the host dwelling No.3 Walmsgate, Barlings Lane would be jarringly at odds with the form and character of the settlement creating an alien and discordant garden layout which would result in encroachment into the open countryside beyond. The proposal is considered to be contrary to the NPPF and Policy LP55 of the Central Lincolnshire Local plan which both recognise the importance of protecting the countryside and therefore the proposal is unacceptable.

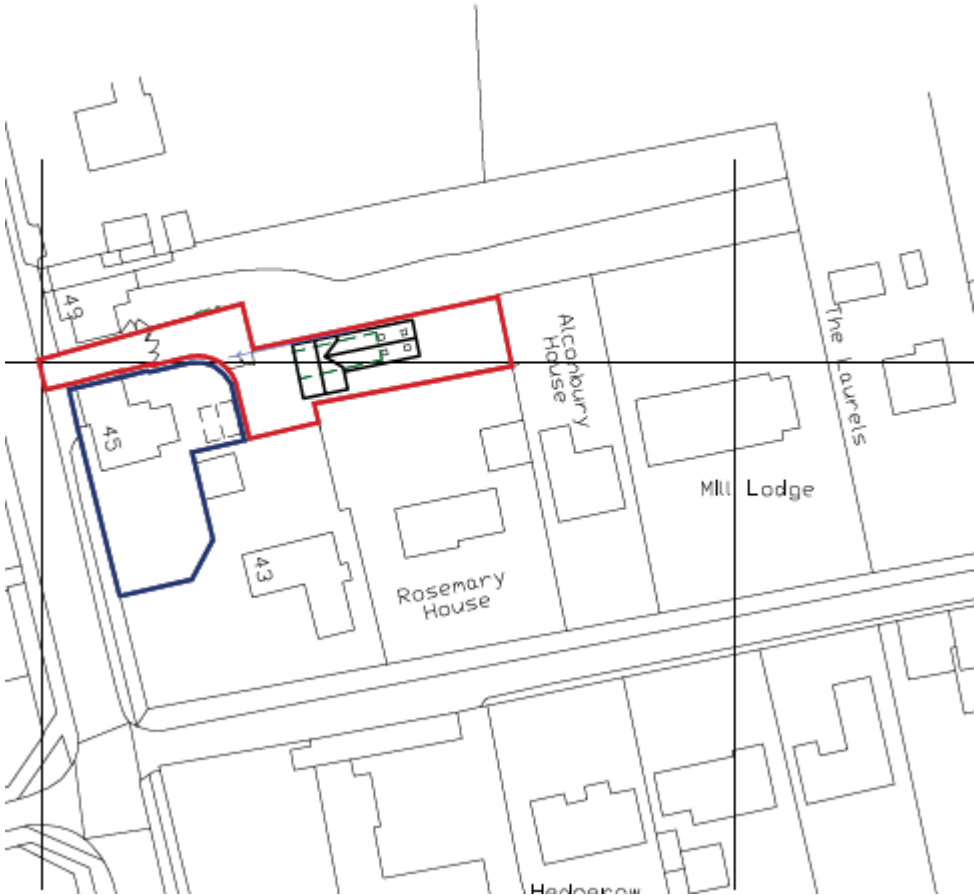
### **Human Rights Implications:**

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

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.

Agenda Item 6c



## **Officers Report**

### **Planning Application No: 144491**

**PROPOSAL:** Planning application to erect 1 no. dwelling

**LOCATION:** Land rear of 45 Mill Lane Saxilby Lincoln LN1 2HN

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Mrs J Brockway & Cllr D J Cotton

**APPLICANT NAME:** Mr S Osborne

**TARGET DECISION DATE:** 22/04/2022

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

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

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The application has been referred to the Planning Committee, following objections from the Parish Council who consider that the development is contrary to the provisions of the Saxilby with Ingleby Neighbourhood Plan.

#### **Description**

The application site is within the built footprint of Saxilby and is part of the garden belonging to No.45 Mill Lane, Saxilby and is surrounded by residential development on all sides. To the west of the site is the host property which is a two storey detached dwelling and to the south are two storey detached dwellings which front Mays Lane. To the south are the gardens of the properties that front Mays Lane. To the north of the site is the long rear garden of a two storey semi-detached property (No.49 Mill Lane) which fronts Mill Lane. The site is accessed by the existing driveway to the property which is located between No.45 and No.49 Mill Lane. The driveway leads to a large area of block paving which is utilised for off road car parking which then leads to a grassed area and a Nissan hut to the east of the host property, the grassed area extends beyond the Nissan hut to the east. The host property also benefits from a garden to the south of its principle south facing elevation. There are a number of trees to the south of the site within neighbours' gardens.

It is proposed to erect one single storey 2 bed detached dwelling to the east of the existing dwelling on the site of a Nissan hut. The dwelling is in a L shaped form with the front section (to the west) having a ridge height of approximately 6.16 metres and an eaves height of 2.89 metres. The rear projection has a ridge height of approximately 4.79 metres and an eaves height of 2.5 metres. There is a parking area and turning area to the west of the dwelling and the dwelling and rear garden to the east can be accessed via a 1.06 metre wide path to the south of the dwelling. The host dwelling (No.45 Mill Lane) retains parking to the east and a garden mainly to the south of the dwelling.

#### **Relevant history**

**99/P/0784** – Outline application to erect 1 No. Bungalow. Refused 31/07/00 due to the massing and scale of the proposed dwelling and overlooking of the site. Also due to the proximity of the proposed driveway to existing dwellings.

**99/P/0771** – Planning application to demolish shed, outhouse and entrance hall and erect 2 storey extension (garage, hall and two bedrooms) and form new vehicular access. Refused 03/02/00.

**M01/P/0858** – Erect 2 storey extension to form lounge with an additional bedroom with en-suite over and erect single storey extension to form kitchen and family room and front boundary treatment. Granted 27/12/01.

**140032** - Pre-application enquiry to erect 1no. dwelling. Advice given 15/10/2019 *'It is my opinion that the proposal maybe supported in principle. The proposal is for the erection of one dwelling within the built footprint of Saxilby which is considered to be a sustainable location. In this context, there should be a presumption in favour of sustainable housing development. The proposal is also back land development but it is considered that the proposal would not go against the established character of the area by introducing an uncharacteristic form of backland development.*

*Furthermore, it is considered that the plot is large enough to accommodate one dwelling single storey dwelling as indicatively shown on the site layout plan and that the location of the dwelling will not have a negative impact on the residential amenity of the proposed dwelling or neighbouring properties. It is also considered that the proposed dwelling will not have a negative visual impact.*

*Any future formal planning application should be accompanied by a written statement to meet the provisions of Policy 2 of the Neighbourhood Development Plan (as explained above).'*

### **Representations**

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

**Parish Council:** We strongly object to this application for the following reasons:

- This is a rear garden development, and the size of the plot is small.
- The path is not wide enough for disabled access to the house.
- The proposed dwelling is detrimental to the street scene.
- It is not in line with Policy 2 (Design of new developments) of the made Saxilby with Ingleby Neighbourhood Plan, specifically 2.a – must respect the existing pattern of development in terms of enclosure and definition of streets and spaces, and 2.c – must be of an appropriate scale and density in relation to its setting.
- It is also not in line with Policy 17 (Traffic and movement around the village).

- Also, as per conclusion 6.5 in the NDP supporting Character Assessment – the character of the area should be respected, in terms of respect for the scale and form, and the architectural style of surrounding development.

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

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

**LCC Highways and Lead Local Flood Authority:** For this proposal the exiting access is to be used and off street parking and turning is provided for the new dwelling, therefore, it is considered that the proposals would not result in an unacceptable impact on highway safety. 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:** No representations received to date.

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

**IDOX:** Checked 05/04/2022.

**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) and the Saxilby with Ingleby Neighbourhood Development Plan (adopted May 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

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

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 is 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. 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 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/>

#### Saxilby with Ingleby Neighbourhood Development Plan:

Policy 1: Housing Mix

Policy 2: Design of New Developments

Policy 17: Traffic and Movement around the Village

<https://www.west-lindsey.gov.uk/planning-building-control/planning/neighbourhood-planning/all-neighbourhood-plans-west-lindsey/saxilby-ingleby-neighbourhood-plan-made>

### **Emerging Policy (material consideration)**

#### 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/>

#### 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 Development
- Visual Amenity
- Residential Amenity
- Foul and Surface Water Drainage
- Trees
- Garden Space
- Highway Safety & Car Parking
- Other Matters

### **Assessment:**

#### Principle of Development

The site is located in the built foot print of Saxilby and is surrounded by residential properties on all sides. The settlement of Saxilby is designated as a large village under Policy LP2 of the Central Lincolnshire Local Plan. Appropriate infill, intensification or renewal of the existing urban area is permitted under this policy as these large villages have a range of employment, retail and key services and facilities for the local area and will be a focus for accommodating an appropriate level of growth.

The proposal is for the erection of one dwelling within the built footprint of Saxilby on residential garden land. It would amount to "intensification" in the existing urban area, in accordance with LP2. The policy seeks "appropriate" intensification, and the development therefore needs to be considered against the wider policies of the CLLP and Saxilby Neighbourhood Plan.

#### Visual amenity

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, street scene 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.

Policy 2 of the adopted neighbourhood development plan states that “*all new development must deliver good quality design.*” In order to achieve this all new development must meet the relevant criterion detailed within the policy including, respecting the existing pattern of development in terms of enclosure and definition of streets and spaces, using materials appropriate to the development’s context and be of an appropriate scale and density in relation to its setting.

It may be noted that the Parish Council object to the development, and consider that it does not meet the criteria in policy 2, namely “2.a – must respect the existing pattern of development in terms of enclosure and definition of streets and spaces, and 2.c – must be of an appropriate scale and density in relation to its setting.”

This area of Mill Lane is noted within Character Area G of the Saxilby with Ingleby Parish Character Assessment, commissioned as part of the neighbourhood plan process. The character assessment describes the notable features of character area G, these include the amount of single storey houses along much of east side of Mill Lane as well as the distant cathedral views and long gardens. The predominant material choice is red brick, with render and painted brick occasionally evident. The roofing forms come in a variety of styles – side gabled, cross gabled and hipped. Many of the dwellings along the east side of Mill Lane are set back up to 20m from their front boundaries. Paragraph 5.111 also mentions the linear nature of the main roads in the character area. The proposal is back land development but it is considered that the proposal would not go against the established character of the area by introducing an uncharacteristic form of backland

development as the location of the proposed dwelling is within the extent of the rear gardens of most of the properties which front this side of Mill Lane. Mill Farm to the north of this site is also located to the rear of the properties which front Mill Lane.

The site is located within the built foot print of Saxilby and is surrounded by residential properties and their gardens on all sides. The site is screened by hedgerows, trees and close boarded wooden fencing to the north, east and south and by the host property to the west. The proposed dwelling is one storey in scale and of a traditional design. Materials will be conditioned if it is minded to grant permission. It is therefore there will be limited to no visual impact on the locality and the proposals will not harm the character and appearance of the street-scene.

The proposal is considered to accord with the NPPF, Policy LP2 of the Central Lincolnshire Local Plan and Policy 2 of the Saxilby with Ingleby Neighbourhood Development 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 proposed single storey two bed dwelling is located approximately 19 metres to the east of the host dwelling (No.45 Mill Lane) and 9 metres from the rear boundary of No.45 beyond which will be located car parking for the host dwelling. The nearest dwelling to the south is located approximately 18.5 metres away from the proposed dwelling. Therefore there are no issues with loss of light or over dominance.

All openings will look out onto the surrounding boundary treatments, or the car parking and turning area to the front (west) or the rear garden to the east. Four high level roof lights in a rear off shoot are also proposed.

It is therefore considered that there are no residential amenity concerns regarding future occupants of the proposed dwelling or harmful impacts on the living conditions of neighbouring dwellings.

#### Foul and Surface Water Drainage

The application form states that foul sewage will be dealt via the mains sewer and states that surface water will be dealt with by a way of a soakaway.

If it is minded to grant planning permission a condition will therefore be attached to the decision notice requiring that no development other than to foundations level shall take place until full foul sewerage details and a scheme for the disposal of surface water from the site (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the local planning authority.

A condition will also be attached to the decision notice if it is minded to grant planning permission requiring that any hardstanding shall be constructed from a porous material and be retained as such thereafter or shall be drained within the site.

### Trees

Existing mature hedgerows around the site will be retained and there are a number of trees to the south of the site within neighbours' gardens which have small trunk girths and the proposed dwelling is located outside of the Root Protection area for the closest of these neighbouring trees.

### Garden Space

It is considered that the proposal offers an adequate amount of outside amenity space for the proposed 2 bed dwelling and for the host dwelling No.45 Mill Lane.

### Highway Safety & 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.

The Parish Council put forward that they do not consider it is in line with Neighbourhood Plan policy 17 which states:

*“Development proposals in Saxilby must ensure that any transport impacts of the scheme are identified and acceptable. Any measures needed to deal with the anticipated impacts must be implemented.”*

The existing access to the site is off Mill Lane and will be utilised by No.45 and No.49 Mill Lane and the proposed dwelling. Car Parking spaces and a turning area will be provided for the proposed dwelling immediately to the west of the property and No.45 Mill Lane will also retain two car parking spaces and a turning area.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the 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; 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 proposal is considered to accord with the NPPF, Policy LP13 of the Central Lincolnshire Local Plan and Policy 17 of the Saxilby with Ingleby Neighbourhood Development Plan.

### **Other Matters:**

#### Building for Life Criteria:

The applicant has provided a planning statement which states how the proposed dwelling complies with Policy 2 of the Saxilby with Ingleby Neighbourhood Development Plan in relation to Building for Life 12 criteria. This is a requirement of policy 2 of the neighbourhood Plan.

#### Minerals and Waste.

Lincolnshire County Council Minerals and Waste have been consulted but the site does not lie within a mineral safeguarding area or allocation.

#### Permitted Development

A condition should be attached to the decision notice removing certain permitted development rights to enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling and the amount of space around the dwelling and to safeguard the character and appearance of the dwelling and the locality and in accordance with Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

### **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, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views and LP26: Design and Amenity of the adopted Central Lincolnshire Local Plan and policies contained in the Saxilby with Ingleby Neighbourhood Development Plan (Policy 1: Housing Mix, Policy 2: Design of New Developments and Policy 17: Traffic and Movement around the Village) and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

The principle of development is supported as the proposed dwelling is located within the built footprint of Saxilby which is considered to be a sustainable location for growth. Furthermore, the proposal is back land development but it is considered that the proposal would not go against the established character of the area by introducing an uncharacteristic form of backland development as the location of the proposed dwelling is within the extent of the rear gardens of most of the properties which front this side of Mill Lane. Mill Farm to the north of this site is also located to the rear of the properties which front Mill Lane.

It is also considered that the proposal will not have a negative impact on the living conditions of neighbouring occupiers or future residents of the proposed dwelling, or the street scene and is appropriate in scale and density in relation to its surroundings. Furthermore, the proposal would not have a detrimental

impact upon the highway or highway safety and does not conflict with neighbouring land uses.

**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. 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.

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

3. No development other than to foundations level shall take place until the proposed walling, roofing 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.

**Reason:** To ensure the use of appropriate materials in the interests of visual amenity and the character and appearance of the site to accord with the National Planning Policy Framework and Policies LP17 and LP26 of the Central Lincolnshire Local Plan.

4. 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: F3039-A1-01 dated February 2022. 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.

**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 the use of appropriate materials or drainage to accord with the National Planning Policy Framework and Policy LP14 of the Central Lincolnshire Local Plan.

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

**6.** Notwithstanding the provisions of Classes A, AA, B, C, D and E of Schedule 2 Part 1 of the Town and Country Planning (General Permitted Development) (Amendment) Order 2015 (As Amended), or any Order revoking and re-enacting that Order, the dwelling hereby permitted shall not be extended, no new openings shall be inserted in external walls or the roof slopes and no outbuildings erected 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 privacy of neighbouring dwellings and the amenity space available to the approved dwelling and to safeguard the character and appearance of the dwelling and its surroundings and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

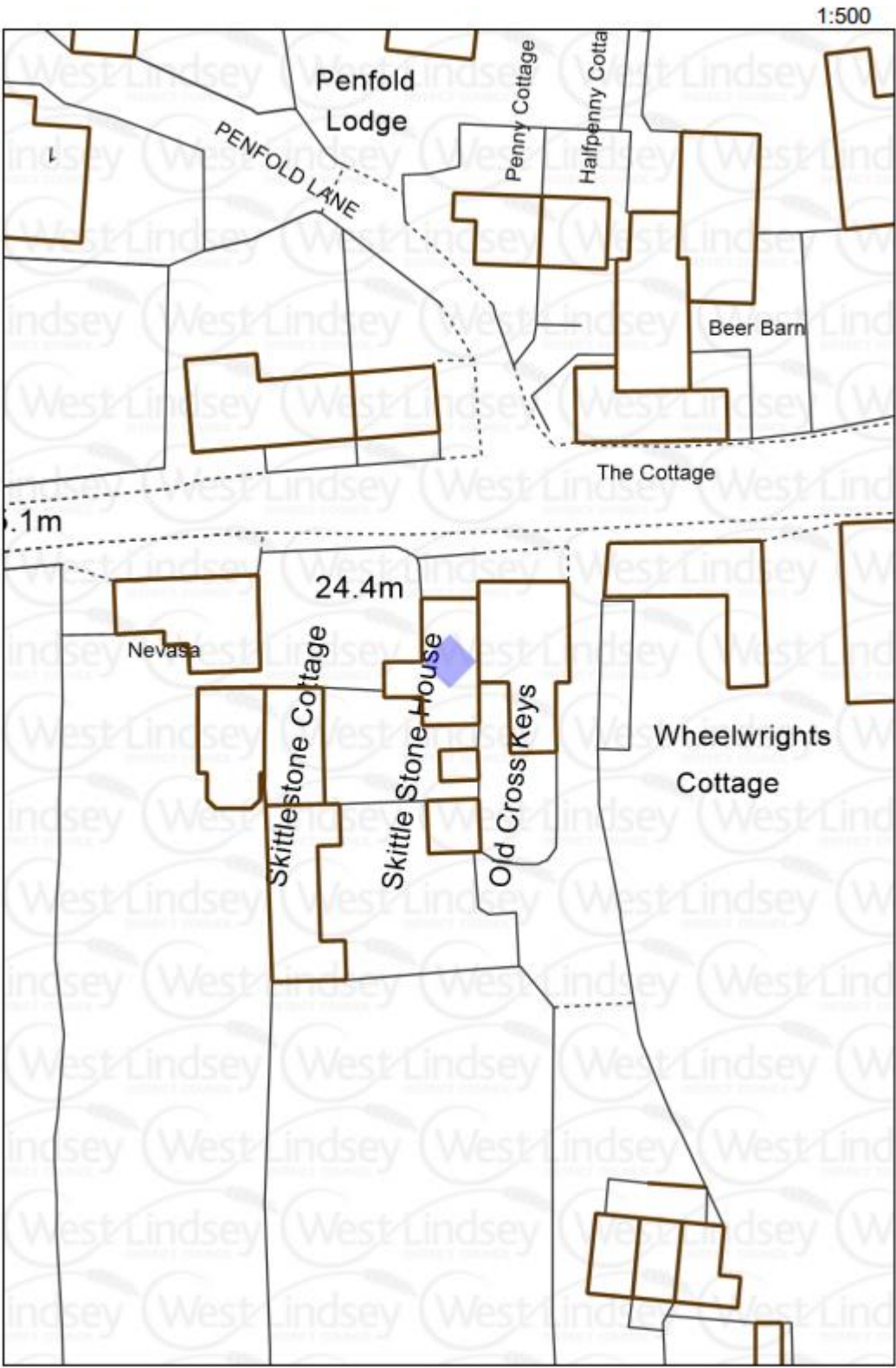
**Human Rights Implications:**

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

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.

Agenda Item 6d



## **Officers Report**

### **Planning Application No: 144418**

**PROPOSAL:** Planning application to convert barn into dwelling being removal of condition 4 of planning permission 98/P/0752 granted 24 November 1998 - occupancy condition.

**LOCATION:** Skittlestone Cottage Front Street Normanby By Spital Market Rasen LN8 2EB

**WARD MEMBER:** Cllr J J Summers

**WARD:** Waddingham and Spital

**APPLICANT NAME:** Mrs Adele Morrish

**TARGET DECISION DATE:** 24/04/2022

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Rachel Woolass

**RECOMMENDED DECISION:** Refuse permission

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This application has been referred to the planning committee following representations in support of the application by Normanby by Spital Parish Council, Councillor Mr S Bunney on planning matters, and at the request of the Ward Member, Cllr J Summers.

#### **Description:**

Skittlestone cottage lies on Front Street in the residential village of Normanby By Spital. The property is a converted barn built in red coloured brickwork with red pantile roof tiles on an apex roof. The cottage is in the curtilage of Skittlestone House. There is a pebbled parking area to the front of the properties and lawn gardens.

The application seeks permission to remove condition 4 of planning permission 98-P-0752 – occupancy condition.

Condition 4 is as follows –

4. The converted building shall be used and occupied in conjunction with the existing dwelling known as Skittlestone House and shall not be occupied as a single unit of living accommodation.

Reason: The converted building, if occupied as a single unit of living accommodation, would provide inadequate private amenity areas and would prejudice amenities by overlooking.

#### **Relevant history:**

W69/406/74 – Convert room to hairdressers. Granted 01/10/74

W69/821/81 – Change of use of part of dwelling to retail shop. Granted 16/10/81

W69/887/85 – Planning application to change the use of barn to dwelling and the formation of a new vehicular access. Granted 22/09/85

98/P/0752 – Convert barn into dwelling. Granted 24/11/98

99/P/0455 – Planning application to occupy converted barn as a separate dwelling without complying with condition 4 subject to 98/P/0752 granted 24/11/98 and construction of vehicular access. Permission refused for the following reasons –

1. In the opinion of the District Planning Authority the application site is of an insufficient size to accommodate a separate unit of living accommodation from Skittle Stone House. The amenity area for both the proposed and existing dwellings would be disproportionately small and will cause significant detriment to the amenity of the proposed and existing residents. Furthermore, the juxtaposition of Skittle Stone House and the converted building is such that the privacy of residents would be unreasonably compromised. The proposals therefore fail to satisfy policies G1 and H10 of the West Lindsey Local Plan.

2. There is insufficient space of site for the parking, turning and manoeuvring of the numbers of vehicles associated with two separate dwellings to the detriment of convenience and safety of pedestrians and vehicles using Front Street.

The application was appealed (APP/N2535/A/99/1027917/P4) (see Appendix A).

The appeal was dismissed with the Inspector concluding -

“I conclude that the occupation of the converted building separately from Skittlestone House does not provide satisfactory living conditions for the occupiers of both properties, mainly by reason of inadequate levels of privacy.”

And

“In my judgement, the visibility of a driver of a car emerging in reverse would be seriously impaired by the buildings to either side of the 2 dwellings and by the wall along the frontage. There would be insufficient visibility either of oncoming traffic or of pedestrians. Similarly, pedestrians and motorists would have insufficient warning of a reversing vehicle. I conclude that this arrangement would be hazardous to highway safety, and contrary to policy G1(b) of the local plan.

133330 – Application to remove condition 4 of planning permission 98-P-0752-occupancy condition. Permission refused 22/09/15 for the following reason – The proposal to remove condition 4 of planning permission 98-P-0752 would have a detrimental impact on the existing and proposed residents. The proposed amenity area for Skittlestone Cottage would be inadequate and unusable with a harmful level of

overlooking. The proposal will also cause significant detriment to the amenity of the proposed and existing residents due to harmful and direct overlooking. Furthermore the juxtaposition of Skittlestone House and the Skittlestone Cottage is such that the privacy would be unreasonably compromised.

The application was appealed (APP/N2535/W/15/3138603) (see Appendix B).

This appeal was also dismissed with the Inspector concluding –

“I therefore conclude that by reason of the juxtaposition between Skittlestone House and Cottage, condition no.4 is necessary in the interests of providing adequate usable outdoor space that would be free from harmful overlooking. Removal of the condition and creation of a standalone property in the former barn would be contrary to one of the Core Planning Principles of the National Planning Policy Framework (‘the Framework’) which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.”

**Representations:**

**Ward Member - Cllr Summers:** As I am a member of the planning committee and the Ward Member I respectfully request this application goes before the committee for determination because of its complicated history and I do not want to disenfranchise myself at this point. Pre-determination would not be appropriate.

**Cllr Bunny:** As County Councillor for the ward I agree with the support for the application expressed at Normanby-by-Spital Parish Council Meeting. Condition 4 of the original planning conditions have prevented the properties being sold resulting in a near 'derelict' unsightly plot in the village. Removing the clause and allowing the properties to be sold separately is therefore a good move for the aesthetics of the village. It will also create two much needed small properties in the village.

**Normanby by Spital Parish Council:** The 2 properties have been vacant for a long period of time and are deteriorated and unsightly. We are aware that they have been on the market for a considerable time as one entity as required under condition 4, but to no avail. We as a Parish Council support this application being that allowing this application would encourage the redevelopment of the two properties and bring them back into use in the village possibly allowing first time buying to help the younger generation to remain within the village.

Bringing these properties into modern time would have a tremendous effect in enhancing the area allowing a much better view in regards to the street view.

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

**Pygott & Crone:** Support – letter received from Pygott & Crone detailing their support and saleability of the property.

**LCC Highways:** No objections

**Environmental Protection:** No comments to make

**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

LP26: Design and Amenity

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

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

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

National policy & guidance (Material Consideration)

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

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

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

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

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

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).*

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

- **Draft Central Lincolnshire Local Plan**

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

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

- **Draft Normanby by Spital Neighbourhood Plan (NP)**

West Lindsey District Council has approved the application by Normanby by Spital Parish Council to have their parish designated as a neighbourhood area for the purposes of producing a neighbourhood plan. The Parish Council are now working towards the production of their neighbourhood plan.

The previous joint Normanby by Spital and Owmbly by Spital Neighbourhood Plan was withdrawn.

There is currently no draft plan in circulation to take into consideration or give any weight to.

## **Main issues**

- Principle
- Residential amenity

## **Assessment:**

### Principle

Normanby by Spital is defined as a small village. Policy LP2 states that unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support, the following applies in these settlements:

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

Policy LP4 limits such growth to 10%. This allows for a further 18 new dwellings. As a result of extant permissions, as of 25<sup>th</sup> March 2022, the village has a remaining growth allowance of 13 dwellings.

Development would therefore accord with the spatial strategy under LP2. However, the application needs to be considered against the Development Plan as a whole, and there have previously been identified concerns with inadequate residential amenity, which would fail to comply with policy LP26. Further consideration to this, and whether there have been any changes in circumstance, or new material considerations, are given below.

### Residential amenity

It has previously been found that the proposal would cause a detrimental impact to residential amenity. On two previous occasions, the Local Planning Authority has received applications to remove the condition – in 1998, and again in 2015. On both occasions planning permission was refused. On both occasions, the decision was subject to an appeal and the appeal was subsequently dismissed, because the Government's Planning Inspector shared concerns over the inadequate amenity that would arise.

Previous applications have been assessed under superseded local plans. Accordingly, this application now falls to be considered against the provisions of the Central Lincolnshire Local Plan, adopted in 2017. The current statutory local plan nonetheless still contains policies seeking to protect amenity of both existing and proposed residents the same as their superseded counterparts.

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

Skittlestone Cottage was converted under application 98/P/0752 with condition 4 stating that the Cottage would not be separated into a separate dwelling. In 1999 an application

was submitted under reference 99/P/0455 to remove this condition for the Cottage to be occupied as a dwelling in its own right. The permission was refused as in the opinion of the local planning authority, the application site is of an insufficient size to accommodate a separate unit of living accommodation from Skittlestone House. The amenity area for both the proposed and existing dwellings would be disproportionately small and will cause significant detriment to the amenity of the proposed and existing residents. Furthermore the juxtaposition of Skittlestone House and the converted building is such that the privacy would be unreasonably compromised. The subsequent appeal was also dismissed.

A further application was submitted in 2015 (133330) to remove the occupancy condition which was also refused and the subsequent appeal also dismissed with the inspector stating –

“I therefore conclude that by reason of the juxtaposition between Skittlestone House and Cottage, condition 4 is necessary in the interests of providing adequate useable outdoor space that would be free from harmful overlooking. Removal of the condition and creation of a standalone property in the former barn would be contrary to one of the Core Planning Principles of the National Planning Policy Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.”

This situation has not changed since the previous refusal.

Policy LP26 protects residential amenity and the most recent version of the NPPF paragraph 130(f) states that Planning policies and decisions should ensure that developments:

create places that are safe, inclusive and accessible and which promote health and well-being, **with a high standard of amenity for existing and future users** (my emphasis added); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

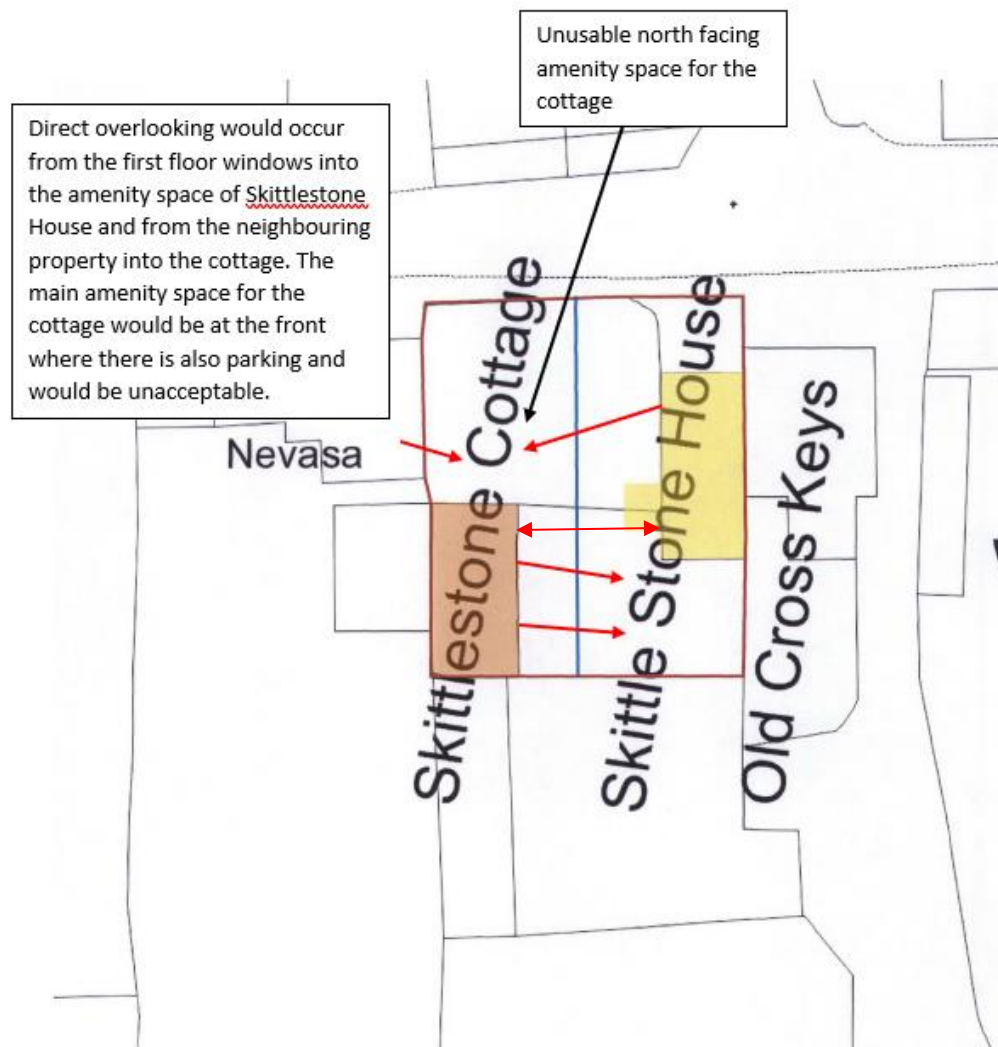
Policy LP26 is consistent with the NPPF and should be attached full weight.

The site plan shown in the application provides more garden space for Skittlestone Cottage than the previous application. This is stated to be to scale. However the scale has not been identified. When using recognised scales the distances from the properties are not correct when comparing with the measurements on the authority's mapping system. The applicant has not provided details of the distance in their submission. Regardless of the claimed increase in size of the amenity space this does not alleviate the amenity issues previously raised – it will still be limited and significantly overlooked.

In the site plan provided showing the separation of the plots, it can be seen that Skittlestone House would have an adequate level of amenity space which would be

located to the rear which is south facing. However, whilst a larger amenity space for Skittlestone Cottage has been provided, the proposal would still amount to an inappropriate impact on amenity. The gardens would still suffer from a lack of privacy. The neighbouring property of Nevasa also has a window that directly overlooks into the proposed amenity space for the cottage space. Turning this space into amenity space for Skittlestone Cottage would be detrimental to occupiers of Nevasa as the residents using the new amenity space could directly look into their window. Currently, whilst this window is existing, the main amenity space is to the rear of Skittlestone House. The house and the cottage currently share the land therefore the overlooking into their own land is not currently an issue. However, Skittlestone House has west facing bedroom windows and if separated would cause harmful overlooking into the main amenity space of Skittlestone Cottage and directly look into the bedroom windows of Skittlestone Cottage. Any fencing to separate the properties would not prevent the harmful overlooking from the first floor windows that would occur. There is insufficient distance from the properties to prevent the first floor windows from causing harmful overlooking with this measuring approximately 9.5 metres. As a general rule for separation between habitable windows, separation should be 21m.





The applicant has included examples of surrounding properties and the size of their gardens.

The examples, some of which are not agreed to be a worse scenario than the application site, are noted. However, applications are taken on their own merit and evidence of existing situations does not otherwise override or justify the harmful impact, previously identified by Government Planning Inspectors that would arise from the removal of the condition. The condition is still wholly relevant and necessary.

The Beer Barn has been used as an example. This is subject of its own occupancy condition. The matter on this property is under enforcement investigation and no final determination has yet been made. However, this does not provide justification for removing the condition and allowing a harmful impact upon amenity to occur.

As stated above applications are taken on their own merits.

Support has been received from an estate agents about the saleability of the property and that it would be more saleable as a separate entity. The example of the other property in their supporting letter is not comparable as that property is within the open countryside and includes different land proportions and orientation to one another. The comments are noted but do not outweigh the harmful amenity issues caused by the removal of the condition.

Given the factors outlined above, the removal of condition 4 would still cause significant overlooking and amenity issues, and would still be in conflict with the current development plan, namely policy LP26 of the Central Lincolnshire Local Plan, and National Planning Policy Framework.

It is considered that there are no arising material considerations that would now justify a departure from the Local Plan or ameliorate the previously identified concerns with the poor standard of residential amenity that would arise from the proposed development.

The proposal would be contrary to policy LP26 and the provisions of the NPPF.

#### *Other matters*

It is noted that the Parish Council and a Council Member have raised that they consider that the properties are “deteriorated and unsightly”.

It is not agreed that the properties are in a “derelict” condition. the property’s garden from imagery is overgrown and appears to be in need of attention. However, the owner is responsible for the upkeep of the property and the planning condition does not prevent the owner from maintaining such upkeep.

Insufficient justification has been provided that two smaller properties are “much needed” for the village that would outweigh the harmful amenity issues. The inspector of appeal APP/N2535/W15/3138603 addressed this matter previously and stated “Whilst I recognise that the former barn could provide much needed housing for local young families with no additional infrastructure required, it would nonetheless give rise to a very poor standard of living accommodation, with no private space to sit outside without being directly overlooked. As a result, whilst empathising with the appellant’s position, the benefits of providing a single additional dwelling in the village do not justify granting planning permission given the significant harm that has been identified.”

It is considered that this remains as relevant, and that there are no material considerations that have arisen that would now override this.

The claim that the cottage was occupied in breach of the condition for 3 years in the past is irrelevant to this application. It is not currently in breach and enforcement would have only applied to the person living there in breach. Failure to comply with the condition would amount to a breach of planning control and would not be lawful for planning purposes.

**Conclusion**

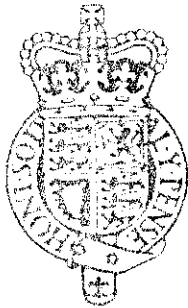
The proposal would have a detrimental impact on the existing and proposed residents. The separation of the properties would lead to an amenity area for Skittlestone Cottage that would be inadequate and unusable due to a harmful level of overlooking. The proposal will also cause significant detriment to the amenity of the proposed and existing residents due to harmful and direct overlooking. Furthermore, the juxtaposition of Skittlestone House and the Skittlestone Cottage is such that the privacy would be unreasonably compromised. The proposal is therefore recommended for refusal.

**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



# Appeal Decision

site visit held on 2 November 1999

by Jonathan G King B A(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for the  
Environment, Transport and the Regions

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Tel: 0117 987 8927

## Appeal: T/APP/N2535/A/99/1027917/P4

- 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 brought by Mr T S Crowe against the West Lindsey District Council.
- The site is located at Crowe's Nest, Front Street, Normanby-by-Spital.
- The application (ref:99/P/0455, dated 25 May 1999, was refused on 29 July 1999.
- The proposed development is the continuation of occupation of a converted barn as a separate dwelling without complying with condition 4 subject to which planning permission 98/P/0752 was granted; and the retention of a new access.

**Decision:** The appeal is dismissed

## Procedural matters and background to the appeal

1. Planning permission was granted on 24 November 1998 (Ref: 98/P/0752) for the conversion of a barn into a dwelling at Skittle Stone House.
2. Condition 4 attached to that permission states: *The converted building shall be used and occupied in conjunction with the existing dwelling known as Skittle Stone House and shall not be occupied as a single unit of living accommodation.*
3. The reason given was: *The converted building, if occupied as a single unit of living accommodation, would provide inadequate private amenity areas and would prejudice amenities by overlooking.*
4. The application seeks relief from this condition, together with the construction of a new, separate access to Front Street. However, as the building is already occupied contrary to the terms of the condition, and the access has been constructed, I consider the proposal as being for the *continuation* of occupation and the *retention* of the access, as set out in the preamble to this decision.
5. A fence has been erected which partly separates the 2 dwellings, but this is not on the boundary of the separate unit of occupation which is the subject of the proposal, as indicated on plan TSC/AWH/1. The appeal is considered on the basis of the boundary shown on the plan.

## The main issues

6. The main issues in this case are:
  - (a) whether the proposal would provide satisfactory living conditions for the occupiers of Skittle Stone House and the appeal dwelling, particularly with regard to privacy and the adequacy of amenity space; and
  - (b) the effect on highway safety.

### **The development plan**

7. Policy G1 of the West Lindsey Local Plan 1993-2001 (1998) is a general policy under which development should, amongst other things, be satisfactory with regard to adequate and safe access to the road network and the impact on the amenities of neighbouring land. With respect to residential development, Policy H10(iv) also seeks to protect the amenities of adjoining properties or residents. Policies H8 and H9 set out the Council's approach to Affordable, Social or Local Needs Housing. My attention has also been drawn to the Council's supplementary planning guidance *Affordable Housing*, March 1999 (SPG).

### **Inspector's reasons**

#### **Issue (a)**

8. The converted building is small, but it provides satisfactory self-contained accommodation. Prior to its conversion it was used ancillary to Skittle Stone House; and the permission sought to maintain that link, both functionally and visually. Notwithstanding that the dwellings are now in different ownerships and partly separated by fencing, the relationship between them remains intimate. The main façade of the converted building, which contains its principal windows, is approximately 10 metres from the side of the house. This has 4 windows and a patio door, together with a conservatory which projects to within about 7 metres of the other dwelling. Views from the ground floor in one dwelling towards windows in the other would be partly obscured by fencing which it is intended to erect along a new boundary, but some intervisibility would still be possible. At first floor level, if it were not for the presence of blinds and curtains at the windows, it would be possible to see directly into one dwelling from the other. Though this may be acceptable if they were to be occupied as part of a single unit, I take the view that it presents a wholly undesirable, unneighbourly situation where each is occupied separately.
9. The Council is concerned that the amenity areas available to the 2 dwellings would be disproportionately small, but it does not refer me to any adopted size standards. In any event, Planning Policy Guidance 3, *Housing* states that functional requirements within development, including such matters as garden size, are, for the most part, a matter for the marketing judgment of developers. I agree that the gardens are small, but I am satisfied that they are acceptable in that respect. Of greater concern to me, however, is the fact that both are directly overlooked, so that neither contains any private sitting-out area.
10. I note that the appellant is prepared to accept conditions intended to address the issue of loss of amenity. These include the removal, or obscure glazing, of the bedroom window from which the most direct views into Skittle Stone House can be obtained, and the enlargement of another window in the gable end of the same room. In my view, such amendments would only partly address the issue. The gardens would still be open to view, and potential for overlooking from the other windows would remain. No details of the alterations to the windows have been submitted. Nonetheless, particularly in view of the small size and height of the gable, I take the view that the insertion of a larger window into that elevation would appear incongruous, and adversely affect the character of the building. In my opinion, there is insufficient land available to the appeal property for landscaping, other than the fencing, which would make any significant contribution to screening the dwellings or their gardens.
11. I conclude that the occupation of the converted building separately from Skittle Stone House does not provide satisfactory living conditions for the occupiers of both properties,

mainly by reason of inadequate levels of privacy. In my opinion, the proposal is contrary to Policies G1(e) and H10(iv) of the Local Plan.

Issue (b)

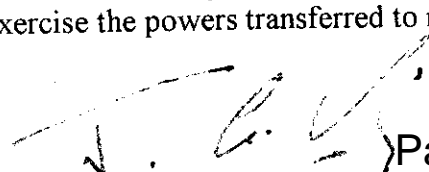
12. The approved layout plan indicates a single access for both buildings, 2 parking spaces and room to turn a car to enable it to emerge in forward gear. Under the present proposal, 2 parallel accesses are proposed. Parking for 2 cars in each of the driveways would be possible, but turning would not. The dwellings are located on the main village street, which is subject to a 30mph speed limit and, at least subjectively, appears to be lightly trafficked. However, I take the view that the ability to emerge forwards is important in the interests of road safety. In my judgment, the visibility of a driver of a car emerging in reverse would be seriously impaired by the buildings to either side of the 2 dwellings and by the wall along the frontage. There would be insufficient visibility either of oncoming traffic or of pedestrians. Similarly, pedestrians and motorists would have insufficient warning of a reversing vehicle. I conclude that this arrangement would be hazardous to highway safety, and contrary to Policy G1(b) of the local plan.

Other matters

13. PPG3 and Circular 6/98 say that a community's need for affordable housing is a material consideration in deciding planning applications. There is, in principle, no dispute between the parties concerning the value of affordable housing to the economic and social well being of rural communities. A survey of general need for affordable housing across the District indicates a need for 6 affordable dwellings within a group of 7 parishes including Normanby-by-Spital. This is translated in the SPG as a need for 1 unit in the parish. No further specific evidence of need has been submitted in support of the proposal, nor of the cost of local housing. While I accept that the appeal dwelling could provide limited accommodation, I am unable to draw any firm conclusion on whether it should be regarded as being "affordable" within the context of the local plan and the guidance. Consequently, I am not satisfied that the need for the dwelling as an independent unit is pressing, nor is it critical to the satisfaction of the local plan policy. Moreover, the appellant has neither made nor suggested any arrangements for ensuring that the dwelling would remain available as affordable housing, contrary to the policies of the local plan and national guidance.
14. I have considered the "fall-back position" in the event that this appeal is dismissed. I understand that Skittle Stone House is no longer in the same ownership as the appeal building. Therefore, unless the latter is left unoccupied, there may be a difficulty in the appellant complying with the disputed condition. However, I have insufficient information upon which to come to a firm conclusion on this matter. I agree that it would not be desirable for the dwelling to be empty. Nevertheless, in my opinion, the change in ownership should not be the reason for allowing non-compliance with a condition which in my opinion was properly imposed.
15. I note the extensive reference to Planning Policy Guidance generally, in relation to housing and to development in rural areas, but none is sufficient to outweigh the conclusions I have reached on the main issues in this case.

**Conclusion**

16. For the reasons given above, I conclude that the appeal should not succeed, and I shall exercise the powers transferred to me accordingly.

 Page 74

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## Appeal Decision

Site visit made on 4 January 2016

**by Matthew Birkinshaw BA(Hons) Msc MRTPI**

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

**Decision date: 1<sup>st</sup> February 2016**

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**Appeal Ref: APP/N2535/W/15/3138603**

**Skittlestone Cottage, Front Street, Normanby-by-Spital, Market Rasen, LN8 2EB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
  - The appeal is made by Mrs Adele Crowther against the decision of West Lindsey District Council.
  - The application Ref 133330, dated 27 July 2015, was refused by notice dated 22 September 2015.
  - The application sought planning permission to convert the barn into a dwelling without complying with conditions attached to planning permission Ref 98/P/0752, dated 24 November 1998.
  - The condition in dispute is No. 4 which states that: *"The converted building shall be used and occupied in conjunction with the existing dwelling known as Skittle Stone House and shall not be occupied as a single unit of living accommodation."*
  - The reasons given for the condition are: *"The converted building, if occupied as a single unit of living accommodation, would provide inadequate private amenity areas and would prejudice amenities by overlooking."*
- 

### Decision

1. The appeal is dismissed.

### Background and Main Issues

2. In 1998 planning permission was granted for the conversion of a barn adjacent to Skittlestone House (Ref 98/P/0752). Condition no.4 states that the barn must be used in conjunction with the property and not occupied independently. The reasons for the condition are to prevent a loss of privacy and ensure that an adequate amount of private outdoor space is provided.
3. In seeking to remove the condition the appellant states that overlooking issues have been resolved by the installation of obscure glazing, and would be limited further by new fencing. It is also stated that both properties would have more private outdoor space than many houses nearby.
4. Taking this into account, and also the original reasons for the condition, the main issue is:
  - Whether or not condition no.4 is necessary in the interests of the living conditions of the occupants of Skittlestone House and Cottage, having particular regard to privacy and the adequacy of private outdoor space.

## Reasons

5. Skittlestone Cottage is a converted barn with living accommodation at ground and first floor level. Its principal elevation faces almost directly onto the side of Skittlestone House. Both buildings are currently accessed from the same shared garden.
6. As part of the evidence before me is an appeal decision relating to a similar proposal on the site in 1999, Ref T/APP/N2535/A/99/1027917/P4. This also sought permission to occupy the converted barn without complying with condition no.4, and addressed largely the same issues.
7. In order to equally divide the plot a fence measuring roughly 2m high is proposed in between the two buildings. This would restrict views between the properties at ground floor level. Although the subsequent garden serving the converted barn would be relatively small and north facing, it would nonetheless be commensurate with the size of the cottage. Potential future residents would also be aware of its size and orientation before deciding to occupy the property, as recognised by the previous Inspector.
8. In contrast to the 1999 appeal obscure glazing has also been installed in some of the side facing windows at Skittlestone House. However, due to the orientation of Skittlestone Cottage potential future occupants would still be able to look directly into the reconfigured garden space of the house below from first floor level. When also bearing in mind the limited degree of separation between the buildings, which the previous Inspector described as roughly 10m, the first floor windows in the cottage would give rise to a harmful loss of privacy.
9. Likewise, due to the limited space available the principal garden area for the cottage would be adjacent to its gable end. In this location it would be directly overlooked from the side facing front bedroom window at Skittlestone House. Even with the use of obscure glazing, the side facing bedroom window of the neighbouring property, 'Nevasa', would also overlook the small garden. As a result, neither house would benefit from any private sitting-out area. Although there is already a degree of mutual overlooking due to the tight-knit layout of the immediate surrounding area, I concur with the previous Inspector that such an unneighbourly situation would be wholly undesirable. Based the evidence provided there is also nothing to indicate that the 'rules' regarding proximity or overlooking have been relaxed since the previous appeal as asserted by the appellant.
10. In reaching this view it is appreciated that the bedroom window in the side of 'Nevasa' has always looked out over the existing garden and side elevation of Skittlestone House. However, the position of the converted barn ensures that some parts of the existing garden are screened from view. This would not be the case under the appeal proposal.
11. During my site inspection I also saw that a window serving the kitchen at Skittlestone House faces directly onto the small garden of an adjoining house. Whilst this is also likely to result in some direct overlooking, I have not been provided with any information relating to how this relationship came about. Furthermore, it does not justify granting planning permission for the appeal proposal given the unacceptable overlooking that would occur.

12. I therefore conclude that by reason of the juxtaposition between Skittlestone House and Cottage, condition no.4 is necessary in the interests of providing adequate usable outdoor space that would be free from harmful overlooking. Removal of the condition and creation of a standalone property in the former barn would be contrary to one of the Core Planning Principles of the National Planning Policy Framework ('the Framework') which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

#### *Other Matters*

13. In reaching my conclusion against the main issue I have taken into account that the Council has not raised any concerns regarding the effect of the proposal on other neighbouring residents, or in terms of car parking provision and highway safety. Based on the evidence provided I have no reasons to disagree. Nevertheless, this lack of harm is only a neutral factor in the overall planning balance.
14. I have also considered the comments in support of the proposal which state that it would provide much needed accommodation in a village with accessible local facilities, and that examples of approved development with identical circumstances are common in the streetscene. In addition, reference has been made to a lack of a deliverable housing land and the need for affordable/starter homes in the area due to housing needs and property prices. I also note that the converted barn has its own services including water and electricity, and have taken into account comments regarding previous ownership of the site and how the Council Tax has been calculated.
15. However, no information has been provided to suggest that the Council has allowed an identical relationship to the appeal proposal elsewhere, nor have any details been submitted regarding the circumstances that were taken into account. Whilst I recognise that the former barn could provide much needed housing for local young families with no additional infrastructure required, it would nonetheless give rise to a very poor standard of living accommodation, with no private space to sit outside without being directly overlooked. As a result, whilst empathising with the appellant's position, the benefits of providing a single additional dwelling in the village do not justify granting planning permission given the significant harm that has been identified.

#### **Conclusion**

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

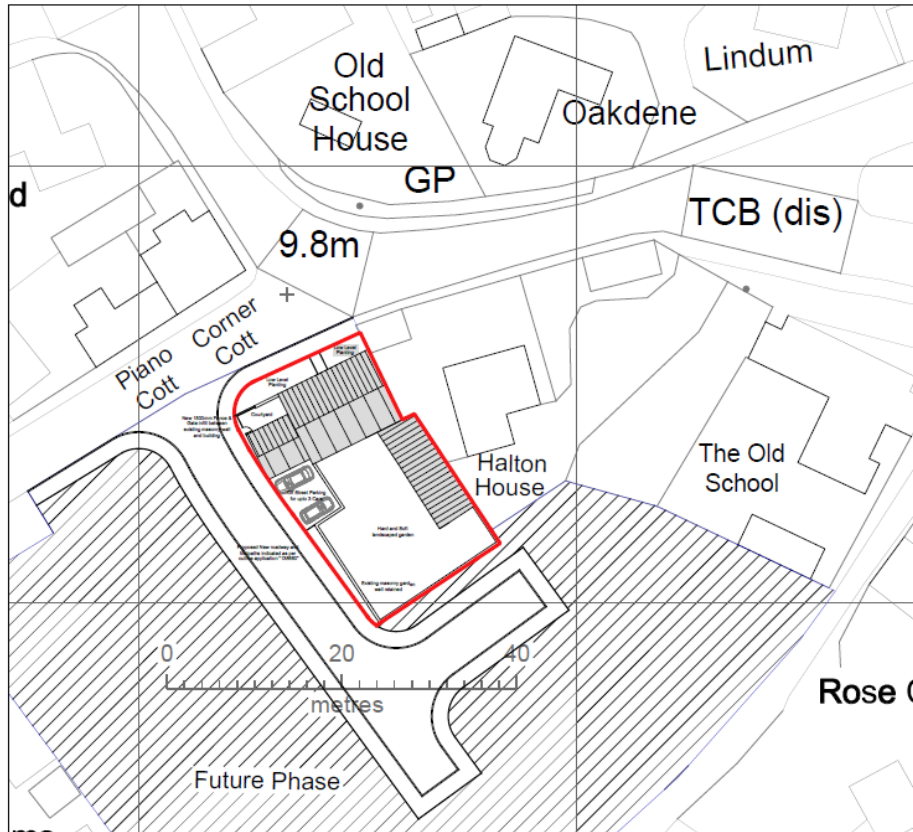
*Matthew Birkinshaw*

INSPECTOR

# Agenda Item 6e

SITE LOCATION PLAN REF 144360

Marquis House High Street Waddingham Gainsborough



Site Plan @ 1:200

## **Officers Report**

### **Planning Application No: 144360**

**PROPOSAL:** Planning application 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.

**LOCATION:** Marquis House High Street Waddingham Gainsborough DN21 4SW

**WARD:** Waddingham and Spital

**WARD MEMBER(S):** Cllr J J Summers

**APPLICANT NAME:** Mr Daniel Williams

**TARGET DECISION DATE:** 31/03/2022

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Ian Elliott

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

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#### **Description:**

The application site is a public house with first floor four bedroom flat. The property is an asset of community value and sits centrally within the village on a prominent junction. The application site is within a limestone minerals safeguarding area.

The application seeks to vary condition 2 of planning permission 143218 granted 12 August 2021 to amend the windows and doors.

#### **Proposed Variation:**

The application proposes to vary condition two (joinery details) of 143218 to allow the installation of UPVC Heritage Style Windows. The proposed windows would replace the original sliding sashes with top hung windows.

#### **Existing Condition 2:**

*"Prior to their installation, joinery details of any new external windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details. No subsequent alterations or replacement of these items shall take place unless planning permission has first been granted by the Local Planning Authority."*

*Reason: In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.*

Proposed varied condition:

*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*

Following discussions with the agent the proposed windows have been amended to slimline Heritage Style UPVC sash windows not top hung windows. The agent has commented that after working closely with the window manufacturer *"We have also selected frame/glazing and system sizes to match the existing as closely as possible"*.

### **Relevant history:**

Land to the west:

138660 Outline planning application for the erection of 7no. dwellings with all matters reserved. Approved 21/03/19.

136796 Outline planning application for the erection of 7no. dwellings with all matters reserved. Refused 10/01/18.

130898 Planning application for 10no. dwellings including 2no. affordable dwellings with associated parking and 12no. parking bays for the public house - Refused 22/5/14. Dismissed at appeal reference APP/N2535/A/14/2222549 on 29/01/15.

129108 Outline planning application to erect 11no. 2 storey dwellings with all matters reserved-public house to remain. Withdrawn by the applicant 14/03/13.

142444 - Planning application 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 – Refused – 06/04/21

143218 - Planning application 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 – 12/08/21 - Granted time limit and other conditions

143703 - Request for confirmation of compliance with condition 3 (External Materials for rear extension) of planning permission 143218 granted 12 August 2021 – 07/10/21 - Condition Discharged

144245 - Request for confirmation of compliance with condition 2 of planning permission 143218 granted 12 August 2018 – 26/01/22 – Refused

Reason for refusal:

*“The condition as highlighted above is precise in its wording referring to the need for joinery details. Joinery requires the details submitted to be of a timber/wooden construction and not a UPVC material even if in a heritage style. Therefore the submitted details and drawings do not meet the requirements of the condition and the condition cannot be discharged”.*

**Representations:**

**Chairman/Ward member(s):** No representations

**Parish/Town Council/Meeting:** No representations

**Local residents:** Representations received from:

**Objections**

1 Redbourne Road, Waddingham  
Bramble Cottage, Church Road, Waddingham  
Hopcroft, Snitterby Road, Waddingham  
The Elms, High Street, Waddingham  
The Old Cottage, High Street, Waddingham

- It is noted that there are several local buildings with UPVC windows but none are listed like the Marquis of Granby.
- None of the Listed Building buildings in the village have UPVC windows.
- It is a myth that UPVC windows is a better insulator and disingenuous that UPVC is 6 times better for heat loss.
- Application cost not a materials consideration and used £55,000 bespoke wooden windows to directly argue Marquis of Granby not economical to restore as a public house.
- UPVC will not reflect the texture of the windows in its position at entrance to village on a significant junction.
- UPVC not suitable replacements.
- Frontage means no space for pedestrians to walk and make corner more dangerous.

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

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.

**WLDC Conservation Officer:** Objections

The Marquis of Granby is listed as an Asset of Community Value and is a non-designated Heritage Asset. The building is also within the setting of the Old School House which is a grade II listed building. As part of application ref: 143218, replacement timber windows were proposed, and their joinery details were conditioned.

This application is for the variation of this condition to allow for Heritage Style UPVC windows. The existing timber windows in the building contribute to its architectural quality and contribute towards the setting of the Old School

House. The proposed windows would replace the original sliding sashes with top hung windows. This would change the buildings appearance and is not acceptable. UPVC cannot replicate the proportions of the multi paned sliding sash windows and glazing bars. The overall appearance would be very different to timber windows. Standard double glazing units are proposed which would require a bulky frame to accommodate the two panes of glass and spacer bars. Slimline double glazing is therefore recommended to better reflect the profile of the original windows.

Overall, the replacement of windows and doors in UPVC would harm the architectural quality of the building and heritage interest in the setting of the Old School House. In order to be acceptable, the new windows should match the form, detailing and operation of the windows they are replacing. The proposed application is therefore unacceptable and recommended to be refused

**LCC Archaeology:** Comment

Unfortunately the Marquis of Granby is not currently recorded in the Lincolnshire Historic Environment Record. Non-designated historic pubs are an area that requires improvement within the database and we are currently working on a pilot project funded by Historic England called 'Inns on the Edge' to record pubs along the coast to begin improving this. We would certainly add it to the HER in due course.

The draft Waddingham and Brandy Wharf Neighbourhood Plan has so far not produced a list of non-designated heritage assets, and this is something that we have raised in our consultation response to them directly as it is an important omission that should be rectified before it is 'made'. Although the plan does not identify heritage assets, it does frequently refer to the pub's importance to the village community and its history is mentioned in passing including its historic orchard, with a photo of the earlier building included in the plan. Section 13 on the Marquis of Granby does state that public houses are important to culture and heritage of local areas, and that they are often landmarks with heritage value. I'm not sure why they did not give examples of how this applies to the pub they are seeking to protect with this policy, but it does show the community are aware of these qualities as they have cited it as evidence to inform their policy for this building.

Unfortunately WLDC does not have Local List of non-designated heritage assets although I'm aware that this is in development as part of the county-wide Local Listing initiative that is due to end its first round soon. It will take many years to produce anything like a comprehensive list for such a large area.

So although the NPPG encourages non-designated heritage assets to be identified in the HER, on local lists or neighbourhood plans, in this case the necessary work that might have identified it has not taken place prior to this planning application. It does also say that "In some cases, local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications."

But it is the developer who is required to provide sufficient information on the significance of heritage assets to enable the local planning authority to understand the building's significance and the potential impacts. If they have not provided this, we would continue to recommend that they should provide it so that an informed decision can be made.

**IDOX checked:** 29th March 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 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:

Policy LP1 A Presumption in Favour of Sustainable Development

Policy LP2 The Spatial Strategy and Settlement Hierarchy

Policy LP4 Growth in Villages

Policy LP5 Delivering Prosperity and Jobs

Policy LP13 Accessibility and Transport

Policy LP14 Managing Water Resources and Flood Risk

Policy LP15 Community Facilities

Policy LP17 Landscape, Townscape and Views

Policy LP25 The Historic Environment

Policy LP26 Design and Amenity

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

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

The application site is within a limestone minerals safeguarding area.

Policy M11: Safeguarding of Mineral Resources applies.

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

National policy & guidance (Material Consideration)

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

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

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

The most recent iteration of the NPPF was published in July 2021. Paragraph 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>

- **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).*

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

Review of the Central Lincolnshire Local Plan commenced in 2019. The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022).

The Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown.

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy  
S2 Growth Levels and Distribution  
S4 Housing Development in or Adjacent to Villages  
S6 Reducing Energy Consumption – Residential Development  
S20 Flood Risk and Water Resources  
S46 Accessibility and Transport  
S48 Parking Provision  
S49 Community Facilities  
S50 Creation of New Open Space, Sports and Leisure Facilities  
S52 Design and Amenity  
S56 The Historic Environment

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

- ***Draft Waddingham Neighbourhood Plan (WNP)***

The draft plan was published on 31<sup>st</sup> March 2019. Waddingham Parish Council have consulted on their draft Waddingham and Brandy Wharf Neighbourhood Plan under Regulation 14. The consultation ran for a two month period and started on the 31 March 2019 and closed on the 31 May 2019. Relevant policies are:

Policy 6 Community Facilities

Policy 7 The Protection of The Marquis of Granby Public House, Waddingham

Policy 8 General Design and Development Principles

Note: Policy 3: Additional Residential Development does not apply to this proposal because the site currently contains one residential unit and this would remain the case post development. In accordance with paragraph 48 of the NPPF The Draft Waddingham and Brandy Wharf Neighbourhood Plan has some weight

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

**Main issues:**

Under s73(2) of the Town & Country Planning Act 1990, this application shall consider only the question of the conditions subject to which planning permission should be granted.

- Principle of the Development
- Assessment in planning permission 143218
- Design, Heritage and Character
- Assessment of conditions 1, 3 and 4 of planning permission 143218

**Assessment:**

Principle of the Development

The principle of the development has already been established in extant planning permission 143218 (expires 12th August 2024).

Conditions 3 of 143218 has been discharged (approved) in condition discharge application 143703. The details required for Condition 2 remain to be discharged (approved).

This application has been submitted to vary condition 2 of planning permission 143218. Condition 2 states:

*“Prior to their installation, joinery details of any new external windows and doors shall have been submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details. No subsequent alterations or replacement of these items shall take place unless planning permission has first been granted by the Local Planning Authority.*

*Reason: In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan.”*

#### Assessment in 143218

In planning application 143218 the following consideration apart from the principle were assessed in the decision making process:

- Impact on Residential Amenity
- Highways
- Other

These consideration are not altered from the officer's report assessment of planning application 143218, as a result of the proposed change to the planning conditions.

#### Design, Heritage and Character

The Marquis of Granby is a prominent building in the centre of the village on the junction of High Street and Redbourne Road/Common Road.



Marquis of Granby

Representations from residents and the Conservation Officer have considered the Marquis of Granby as a Listed Building and/or a non-designated heritage asset. In planning application 143218 the Historic Environment Officer at Lincolnshire County Council considered the Marquis of Granby a non-designated heritage asset. However in this application the Historic Environment Officer has confirmed that the Marquis of Granby is not recorded on the Historic Environment Record.

The Marquis of Granby is not a Listed Building but is within the setting of the Old School House which is a grade II Listed Building.

The case officer in 143218 responded to the non-designated heritage asset suggestions in his planning committee report. The report stated:

*“The consultees do not refer to the building being on the historic environment record nor is it positively identified as a non-designated heritage asset through a formal document such as an adopted neighbourhood plan. Therefore, requesting a heritage impact assessment is considered disproportionate.”*



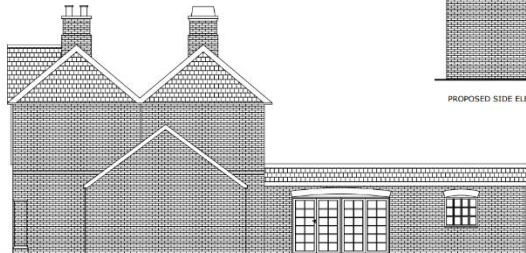
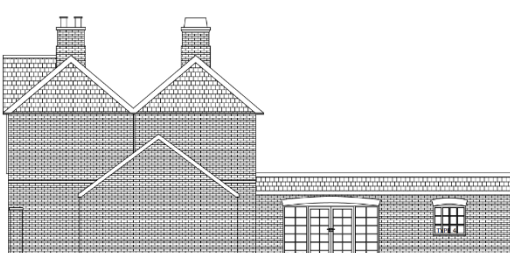


Therefore in the assessment of planning application 143218 the Marquis of Granby was not considered as a listed building or a non-designated heritage asset.

The justification section of the submitted Design and Access Statement states in summary that:

- *“The proposed Heritage Style UPVC windows will further echo this as we propose to utilise a sash style window which will match the properties, scale and size of the existing units. Glazing bars will be fitted to all units, again to marry in with the existing windows.”*
- *“This proposal allows the architectural style to be continued and retained and embrace the existing street scene.”*
- *“UPVC technology will utilise new technologies which will reduce the heat loss due to the frames having multiple chambers to stop heat transfer but still compliment the local architectural style of the existing building but also neighbouring properties.”*
- *“Heritage Style UPVC windows means a high quality material is utilised on the building which requires far less maintenance, and thus means the quality appearance will be retained for years to come, rather than falling into repair and redecoration on a regular basis.”*

The main justification for the UPVC windows appears to be their more efficient performance in terms of heat loss and the reduced maintenance work. Both of these are not considered a material planning consideration in the assessment of this application.

The acceptability of this application relies heavily on the impact of the proposed windows on the character of the Marquis of Granby, the street scene and the setting of the Listed Building.

143218 (Approved Plans)	144360 (Proposed Plans)
 <p data-bbox="268 629 443 645">PROPOSED FRONT ELEVATION</p>	 <p data-bbox="826 622 1002 638">PROPOSED FRONT ELEVATION</p>
 <p data-bbox="268 925 379 940">PROPOSED SIDE ELEVATION</p>	 <p data-bbox="826 931 938 947">PROPOSED SIDE ELEVATION</p>
 <p data-bbox="268 1229 379 1245">PROPOSED REAR ELEVATION</p>	 <p data-bbox="826 1238 938 1254">PROPOSED REAR ELEVATION</p>

The Conservation Officer commented that *“the proposed windows would replace the original sliding sashes with top hung windows”*. The amended drawings have now replaced the top hung designed windows with a sliding sash design.



The proposed windows in this application (Plan 008 Rev 02) match the window designs approved in condition 4 (plan 005 Rev A) of extant planning permission 143218. The proposed designs of the windows are therefore considered acceptable.

The most notable change to the windows is the material change to UPVC heritage style windows and not timber windows as conditioned in condition 2 of approved planning application 143218.

On inspection of the officer's report and the planning permission for 143218 the reasons for conditioning the windows to be timber only is not explained.

Extract from Officer's Report:

*"The building is considered to be characterful and adds to the character and appearance of the area. The application form refers to window and door changes. Given the identified character of the existing building it is considered necessary to recommend a condition requiring details of windows and doors be approved"*

Reason for condition 2 on planning permission 143218:

*"In the interests of securing good design in accordance with Policy LP26 of the Central Lincolnshire Local Plan."*

The officer report simply states that a condition is required for window and door details without any mention or explanation of the need for them to be constructed from timber.

The Conservation Officer in 143218 did not completely rule out the use of UPVC windows by stating *“The building is a very pleasant ensemble, and any changes to this need to be justified especially with regard to PVC windows and doors, which could undermine the architectural quality of this building.”*

In this application the Conservation Officer objects to the use of UPVC windows stating that *“This would change the buildings appearance and is not acceptable. UPVC cannot replicate the proportions of the multi paned sliding sash windows and glazing bars. The overall appearance would be very different to timber windows. Standard double glazing units are proposed which would require a bulky frame to accommodate the two panes of glass and spacer bars. Slimline double glazing is therefore recommended to better reflect the profile of the original windows.”*

The Conservation Officer in this application has based their comments on the building being a non-designated heritage asset which has been discounted previously in this report and its location within the setting of a grade II listed building.

Planning Practice Guidance<sup>1</sup> states that *“There are a number of processes through which non-designated heritage assets may be identified, including the local and neighbourhood plan-making processes and conservation area appraisals and reviews. Irrespective of how they are identified, it is important that the decisions to identify them as non-designated heritage assets are based on sound evidence.”*

However, the building is not positively identified as a non-designated heritage asset in any known document or on the HER. Whilst it is possible to identify a “non-designated heritage asset as part of the decision-making process” there has been no sound evidence put forward to justify such, and it is clear that it was not treated as such with the original application.

It is not disputed that the Marquis of Granby is a prominent building within the village centre of Waddingham but it is not protected through any designation and its designation as an asset of community value would be likely to be removed when the conversion to residential use is completed and occupied.

After careful consideration it would be preferred to retain the windows and doors in a timber material, however it is not considered reasonable or necessary to restrict the windows material only to timber.

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<sup>1</sup> Paragraph: 040 Reference ID: 18a-040-20190723 Planning Practice Guidance – Historic Environment (<https://www.gov.uk/guidance/conserving-and-enhancing-the-historic-environment#non-designated>)

Following negotiation with the agent the applicant has submitted a more appropriate slimline version of the heritage style UPVC windows in a sliding sash style.

It is therefore considered in this case that the proposed use of slimline heritage style UPVC sliding sash windows would not unacceptably harm the character and appearance of the building or the street scene and would preserve the setting of nearby listed building to accord with local policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, policy 8 of the DWABWNP and the provisions of the NPPF.

Condition 2 can therefore be varied to a condition which ensures the windows and doors are installed in accordance with the submitted plan.

It is considered that policy LP17, LP25, LP26 and Policy 8 are consistent with the visual amenity, character and heritage guidance of the NPPF and can be attached full weight.

#### Assessment of conditions 6 of planning permission 143218

As a variation of condition application will create a brand new permission in itself a review of conditions originally imposed on 143218 needs to be undertaken without this any new permission would be unrestricted.

#### Condition 1 – Time limit for commencement

The application form states that the development commenced during July 2021. Whilst condition 2 is yet to be discharged (approved) it is a prior to installation condition and not a pre-commencement condition. However no evidence has been submitted to demonstrate that the works have commenced. Planning permission 143218 allows three years for commencement to begin by the end of 12th August 2024. Therefore this condition is considered relevant and necessary to be retained but amended to reflect the 12th August 2024 timeframe.

#### Condition 3 – External Materials for the Rear Extension

This condition was discharged in condition discharge application 143703. The condition can therefore be amended to a condition to accord with external materials approved within the condition discharge.

#### Condition 4 – Plans

This condition is relevant and necessary and will be retained. It will be amended to remove any unnecessary plans and include any new plans.

#### **Conclusions and reasons for decision:**

The decision has been considered against policies LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP4 Growth in Villages, Policy LP5 Delivering Prosperity and Jobs, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, Policy LP15 Community Facilities, LP17 Landscape, Townscape and Views, LP25 The Historic Environment and LP26 Design and Amenity of the adopted Central Lincolnshire Local Plan 2012-2036 and Policy 6 Community

Facilities, Policy 7 The Protection of The Marquis of Granby Public House, Waddingham and Policy 8 General Design and Development Principles and of the Draft Waddingham and Brandy Wharf Neighbourhood Plan. Consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Model Code and National Design Guide. In light of this assessment it is considered that the variation of condition 2 to an in accordance with condition is acceptable. The proposed slimline UPVC heritage style windows would not unacceptably harm the character and appearance of the building or the street scene and would preserve the setting of nearby listed building.

**Human Rights Implications:**

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

**Legal Implications:**

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

**Representors to be notified -**

*(Highlight requirements):*

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

**Prepared by:** Ian Elliott

**Date:** 29th March 2022

**Decision Level** (tick as appropriate)

**Recommended 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 24<sup>th</sup> 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