

Guildhall Gainsborough
Lincolnshire DN21 2NA
Tel: 01427 676676 Fax: 01427 675170

AGENDA

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

Planning Committee

Wednesday, 15th June, 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 - 13)
 - i) Meeting of the Planning Committee held on 25 May 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) 144395 - Barnaby, 18 Rasen Road, Tealby (PAGES 14 - 28)

b) 144646 - Land adjacent to Dunholme Close, Dunholme (PAGES 29 - 95)

7. **Determination of Appeals** (PAGES 96 - 118)

Ian Knowles
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 7 June 2022

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 25 May 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 Cherie Hill
Councillor Mrs Jessie Milne
Councillor Peter Morris
Councillor Roger Patterson
Councillor Mrs Judy Rainsforth
Councillor Mrs Angela White
Councillor Mrs Angela Lawrence

In Attendance:
Sally Grindrod-Smith Director Planning, Regeneration & Communities
Russell Clarkson Development Management Team Manager
Rachel Woollass Development Management Team Leader
Martha Rees Legal Advisor
Richard Green Planning Officer
Holly Horton Development Management Officer
Ele Snow Senior Democratic and Civic Officer
Andrew Warnes Democratic and Civic Officer

Also In Attendance: Twenty members of the public

Apologies: Councillor David Dobbie
Councillor Mrs Cordelia McCartney
Councillor Jeff Summers

Membership: Councillor Angela Lawrence was present as substitute for
Councillor Mrs Cordelia McCartney

1 PUBLIC PARTICIPATION PERIOD

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

2 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

A Member of Committee raised that his abstention on Planning Application 143957, Land adj Manor Cottage, Cliff Road, Saxby, Market Rasen, due to not being able to attend the site visit, was not recorded properly. In light of these comments the following amendment was proposed.

“Note: Councillor D. Cotton requested that his abstention on the above vote be recorded in the minutes.”

On being put to the vote the amendment was unanimously supported and on that basis it was:

RESOLVED that the amended minutes of the meeting of the Planning Committee held on Wednesday, 27 April 2022 be confirmed and signed as an accurate record.

3 DECLARATIONS OF INTEREST

Councillor I. Fleetwood declared, in relation to agenda item 6b, application number 144639, that he had known the applicant in a business capacity, having made a business transaction 30 years ago.

Councillor I. Fleetwood also declared, in relation to agenda item 6b, application number 144639, that prior to the previous application for the site, when making a visit nearby for a separate matter, he was given a short presentation of the site, and left without making comment.

Councillor I. Fleetwood declared that an email had been received in relation to agenda item 6a, application number 144526. It was stated this declaration was likely valid for all Members of the Committee. Councillors J. Milne, A. White, J. Rainsforth also stated they had received the same email.

Councillor D. Cotton declared a non-pecuniary personal interest, in relation to agenda item 6b, application number 144639. He was vicar in employment, and the application did have consideration of affecting the setting of the church.

Councillor C. Hill declared that though she was the Ward Member for Cherry Willingham, in relation to agenda item 6b, application number 144639, but would retain her seat as a Planning Committee Member.

4 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee heard from the Development Management Team Manager with the following updates regarding changes to national planning legislation proposed in the recently published Levelling Up and Regeneration Bill and some changes to the Neighbourhood Plans.

Regarding National Policy, the Officer stated the key changes in the Levelling Up Bill. These included multiple points.

The scope of local plans would now be limited to "locally specific" matters, with "issues that apply in most areas" to be covered by a new suite of national policies. These national policies will carry the same weight as the local plan.

"A new duty on decision makers to make planning decisions in accordance with the development plan and national development management policies unless material considerations strongly indicate otherwise". The document said that this was to "increase certainty in planning decisions".

Local Planning Authorities would be required to have a design code in place covering their entire area;

A new Infrastructure Levy would replace section 106 planning obligations and the Community Infrastructure Levy (CIL)

Environmental Impact Assessments (EIA) was to be replaced by a new system of Environmental Outcomes Reports

Local planning authorities would "have a new power to prepare 'supplementary plans'. These were policies for specific sites or groups of sites that needed to be prepared quickly (e.g. in response to a new regeneration opportunity), or to set out design codes for a specific site, area or across their whole area."

'Neighbourhood priorities statement', which was to provide communities with a "simpler and more accessible way to set out their key priorities and preferences for their local areas. Local authorities will need to take these into account, where relevant, when preparing their local plans for the areas concerned, enabling more communities to better engage in the local plan-making process".

The bill included a "placeholder for a substantive clause which will introduce a 'Street Votes' system that permits residents to propose development on their street and hold a vote on whether it should be given planning permission"

The bill would "make changes so that designated heritage assets, such as registered parks and gardens, World Heritage Sites, protected wreck sites, and registered battlefields, enjoy the same statutory protection in the planning system as listed buildings and conservation areas", and

Proposals that would ensure that planning enforcement worked effectively by extending the period for taking enforcement action to ten years in all cases; introducing enforcement warning notices; increasing fines associated with certain planning breaches; doubling fees for retrospective applications; extending the time period for temporary stop notices from 28 to 56 days; and giving the Planning Inspectorate the power to dismiss certain appeals where the appellant causes undue delay. The scope for appeals against enforcement notices would be tightened so that there was only one opportunity to obtain planning permission retrospectively.

The Officer then gave notice of the progress of the new Central Lincolnshire Local Plan, with the next meeting to be held on 6 June 2022, followed by comments received on the second draft to be published sometime in mid-June 2022.

The Officer then informed Members of the progress with the Neighbourhood Plans. The Sturton by Stow and Stow joint Neighbourhood Plan's referendum was to be held on Thursday, 26 May 2022. The Officer highlighted that the Harpswell and Hemswell joint Neighbourhood Plan had its Regulation 16 submission consultation completed, and was awaiting the selection of an Examiner. The Officer concluded his update by stating that the Hemswell Cliff Neighbourhood Plan's Regulation 16 submission version was soon to be received, and a consultation process was to follow.

West Lindsey District Council Neighbourhood Plans Update on 25 May 2022		
Neighbourhood Plan/s	Headlines	Planning Decision Weighting
Sturton by Stow and Stow joint NP	Examination successful. Referendum to be held this Thursday - 26 May 2022.	Significant weight
Hemswell and Harpswell joint NP	Submission consultation (Reg16) completed. Examiner to be selected.	Increasing weight
Hemswell Cliff NP	Submission version (Reg16) to received soon. Consultation will follow.	Some weight

Note: Councillor D. Cotton declared that he was a Member of the Central Lincolnshire Local Plan.

In response to a question about the detailed specifics with the street vote proposal and the implications of the strength of the vote in weighing up a recommendation, the Development Management Team Manager stated that the proposal was still in bill form, with this provision being a placeholder, and that full details were not yet available, but early indications are that this would arise at the request of the applicant.

5 144526 - LAND AT EASTFIELD LANE, WELTON

The Chairman introduced the first item of the meeting, planning application 144526, an Outline planning application for residential development of 109no. dwellings, with access to be considered and not reserved for subsequent applications, at Land at Eastfield Lane, Welton, Lincoln, Lincolnshire.

The Officer stated that there was an update to the application. Following the publishing of the officer's report the agent emailed to amend the location plan. The red line now aligns with proposed allocation 008A. This also amends the site area from 6.6ha to 5.93ha. The amended plan was also accompanied by a letter disputing the findings of the officer's report and the level of weight given to the draft Central Lincolnshire Local Plan.

They also stated that West Lindsey would now know the level of objection to the draft local plan. Consultations responses were being added to the system. A breakdown of final consultations would be published on the website, in the same way previous consultations had been. This was likely to be uploaded by mid-June once all responses had been reviewed and redacted.

The Officer confirmed that there had been a number of objections received in connection with Policy S80 and more specifically related to site WL/WELT/008A, an initial count of how

many related to the site indicated explicitly around 26, however this was to be confirmed and publicly available in June 2022.

In terms of how much weight was attributed to the Submission Draft Local Plan and specifically Policy S80 in relation to application 144526 was for the decision maker to determine. The Officer, however, stated paragraph 48 of the NPPF did refer to the extent to which there were unresolved objections to relevant policies and the Council knew from an initial assessment that there were several objections.

The agent letter highlighted paragraph 49 and 50 of the NPPF, however these were addressed in the officer report. The letter further highlighted significant benefits to the scheme in s106 contributions. However, these were standard contributions to mitigate against the direct impact of the development. The letter and change in boundary did not change the officer recommendation to the application.

The Chairman then invited the first speaker, James Lambert, the agent for the application, to address the Committee. The speaker made the following statement.

After stating his disappointment with the recommendation, the speaker updated that the site plans were shared with Members of the Committee in the few days prior.

The speaker then stated that the Committee should afford greater weight to the new local plan, and had additional information submitted. He then asserted that the proposed application cleared policy 48 and 49 of the National Planning Policy Framework, which included the additional submitted information. The speaker specified that exceptional circumstances facilitated possible developments, and referenced development ongoing on a neighbouring site to the application.

The speaker concluded that the development would bring 109 dwellings, 27 of which were to be affordable, with road and footpath improvements. The speaker then detailed that the application would bring £70,000 for local NHS provisions, and £395,000 for education provisions. He finished his statement which asserted the Central Lincolnshire Local Plan evidence and that it was a sustainable location.

The Chairman thanked the speaker for his statement, and invited the registered objector, Chris Thomas, to address the Committee. The speaker made the following statement.

The speaker stated that he represented 120 people from around 70 dwellings in the local area. The statement progressed to say that the Central Lincolnshire Local Plan policy 17 rejected the provision on the site, and that it was not in the Neighbourhood Plan.

The speaker stated that there was enough provisions and planning applications in the current Central Lincolnshire Local Plan to cover the village for ten years, and referenced LP2 and LP3 in this section as the main factors for this application being not needed. The speaker then detailed that the application would not have a sustainability aspect. It would intrude into the countryside, have to be dependent on cars that would increase road traffic, and not improve biodiversity, as the gardens would cut into wildlife.

The speaker then proceeded to state the increased pressure on local services that would come from the proposed application if it was to be granted, that included a stretch on

Welton's local services, including primary school allocations, General Practitioners and the usage of the roads in the area. The speaker stated that the site access would need a 90-degree bend for visibility, and that Eastfield Lane would need to be widened, with accidents occurring regularly. The speaker concluded that the proposed application would conflict with the character of the local Ryland area, and extended and would overload the village's local amenities.

The Chairman thanked the speaker for his statement, and invited the first Local Ward Member, Councillor Mrs Diana Rodgers, to address the Committee. She made the following statement.

Councillor Mrs Rodgers stated this application had been subjected to much commentary, and commended the Case Officer for a balanced and excellent report. She then referenced that the 2017 Central Lincolnshire Local Plan did not mention the site, and that this site was rejected for the current Local Plan in the evidence report in April 2016. Councillor Mrs Rodgers commented that the proposed application was not a logical extension of the village, and had concerns about significant access issues. She then stated that the proposed development would complicate road issues along with better-suited existing sites. The statement then noted that 300 dwellings were already in building, or had approval, with the figures imposed above the decision of Welton.

The speaker then referred to Welton and Dunholme's size, and that recent developments had ignored the parish boundary between them. The statement concluded with a reference to over-subscribed local surgeries. She finished to say that any significant development should not be granted until the public infrastructure caught up with the current situation in the ward.

The Chairman thanked Councillor Mrs Rodgers for her statement, and invited the second Local Ward Member, Councillor Steve England, to address the Committee. He made the following statement.

Councillor England endorsed Councillor Mrs Rodgers' comments, the Officer's report, and stated that the report considered every aspect of the proposed development. He expressed concerns about the amended maps of the application, and noted that this implied notion from the agent and applicant of not being told of the outcome of the application was unbelievable. He was concerned over changes in the middle of the process with the evidence presented by the applicant. He referenced the strength of the Central Lincolnshire Local Plan policies with the Officer's decision, and that a Planning Inspector could have thrown out the potential area in the future. He concluded his statement by stating that he endorsed the residents, colleagues and the Council's comments that advocated for refusal of the application.

The Chairman thanked Councillor England for his statement, and invited a response from the planning officers. The Development Management Team Manager stated that in response to the applicant's concerns of not being told of the officer's recommendation, all relevant parties found out at the same time when the report was published. The Officer did inform Members that the applicant was advised in writing that the application was to be deemed contrary to the current Central Lincolnshire Local Plan and gave them the opportunity if they wished to withdraw the application.

The Officer advised that the NPPF “presumption in favour” was not engaged and also stressed that in the exceptional cases now referred to by the developer in regard to LP2, this was for the decision-maker but that he would advise that he did not consider these to be “exceptional” with a number of matters such as the financial contributions and affordable housing being a requirement in order to meet planning policy, and are expected for such a development.

The Officer concluded his remarks to state that the emerging plan was not in statute, and that the upcoming Central Lincolnshire Local Plan was not considered to outweigh the existing policies in the statutory development plan. The Chairman then invited comments from Members of the Committee.

Debate occurred, with Members stating that the proposed site was contrary to the Central Lincolnshire Local Plan allocation, and other planning policies. One Member referred to the ongoing process of the future Central Lincolnshire Local Plan, and stated the current one was ‘water-tight’.

There were also raised concerns about the provisions for health and education with the proposed application. There was not enough capacity in the village and nearby area to support this development.

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

6 144639 - CHURCH FARM, CHURCH LANE, STANTON BY LANGWORTH

The Chairman introduced the next item of the meeting, planning application 144639, for construction of an agricultural storage building, at Church Farm, Church Lane, Stanton By Langworth, Lincoln, LN3 5BL.

Note: Councillor I. Fleetwood declared that he was County Councillor for Bardney and Cherry Willingham but would remain in the Chair for the item.

The Officer informed the Members of the Committee that there were no updates to the report and gave a short presentation. The Chairman then invited the registered speaker, Andy Hey, the agent for the application, to address the Committee. The agent made the following statement.

The speaker stated that the application would have less than substantial harm to the Church and surrounding area. It was referenced that Church Farm was a working farm and that the proposed new building would not cause any further harm. The speaker stated that a previously proposed building that was larger was granted under permitted development that had more prominent views and questioned the logic behind the Officer's refusal recommendation.

The speaker held that the only views of the proposed building would be seen via Langworth Road and Scothern Lane, with no available views close from the Church. The speaker stressed that there were no viewing spots that would obscure the Church. The statement

progressed to state that the proposed building would not last for a long time, unlike the Church. The speaker also asserted that the proposed building would be lower and sit at a lower height than the previously accepted building. The speaker then said that the view from the A158, which was one kilometre away, was hidden by the roadside hedge and questioned if the view did exist.

The speaker then progressed to talk about the statement of harm and stated that the statement of 'less than substantial harm' was unclear. The speaker then argued that the benefits of the farm for economic activity and a better storage facility outweighed the harm. The speaker concluded by repeating that less than substantial harm was involved, that a previously large building had been given prior approval, which was more intrusive, and invited Members to view the site.

The Chairman thanked the speaker for his statement and invited comments from the Officer. The Development Management Team Manager specified that the existing buildings would be built to a similar scale, with 7.7 metres to the ridge, and had a similar square metre edge to other buildings on the site. The Officer also reiterated that the Conservation was in the lower category of 'less than substantial harm', with this categorisation weighed up with the public benefits of a planning application. The Chairman then invited comments from Members of the Committee.

There was discussion on the comments of the nearby affected parties, and statutory agencies did not object to the proposed application. One Member brought that the Church did not oppose the proposed building, with another Member asserting that the Church would have used Church Farm as a sustainable way of provision. A separate Member commented that if the nearby Church were not a listed building, the application would have likely not been brought to the Committee's attention. In response to a query about the location, Members heard that the proposed building was to the South-West of the existing building.

Members also commented about the site's topography and the siting of the proposed building in respect of any proposed harm. In response to this aspect, the Legal Adviser stated that it was the legal test to engage whether the proposed building harmed the Church, not the existing buildings and whether the proposed building would cause its own harm.

Responding to these points, the Development Management Officer informed Members that with listed buildings, there was a statutory duty to preserve and enhance, which led to advice about the guidance in testing the harm made by development. Members heard of two main policy focuses, which were substantial and less than substantial harm. Members heard that the harm territory required the guidance and whether the public benefits justified the harm.

The Legal Advisor reiterated that there was a legal test to engage in whether the proposed building harmed the Church and not the existing buildings. The Legal Advisor stated that Members needed to consider the proposal in whether it would cause its own harm.

There was also discussion on the potential harm that the building would cause. Several Members commented that the proposed usage of the site was unlikely to harm the area, as vehicle access was one way, and the site was seemingly in clean and tidy condition, with tarmacked segments.

With this in mind, it was proposed that permission be granted contrary to Officer's

recommendation. This proposal was seconded, with no other proposal on the table.

The Chairman took the vote, and by majority vote, it was agreed that permission be **GRANTED** subject to the following conditions as per published decision notice:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: AWS1 dated 22/03/2022, AWS2 dated 22/03/2022 and AWS 4 received 23/03/2022. 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.

3. The materials used in the development shall match those stated on the application form and drawing No. AWS1 dated 22/03/2022.

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

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

None.

7 144395 - BARNABY, 18 RASEN ROAD, TEALBY

The Chairman introduced the next application of the meeting, planning application 144395, for extensions and alterations to existing dwelling at Barnaby, 18 Rasen Road, Tealby, Market Rasen, LN8 3XL. The Officer informed Members that there was no update to the report and gave a short presentation on the application.

The Chairman then invited the first speaker, Kevin Coupland, the agent for the application, to address the Committee. The agent made the following statement.

Having been approached by the applicants, they described that they wanted to improve the existing dwelling and remove the current extension, changing the dwelling to be more sympathetic to the area and better use of the applicant's family. The speaker then described that the property's frontage was 30 metres and stressed that the application had gone through pre-application consideration to make it acceptable, which included collaboration with the Council with the Area of Outstanding Natural Beauty (AONB).

The speaker then stated the positive effect of adjacent properties that had changed with other development similar to the proposed application. The speaker detailed that the plans for the proposed application had been changed to consider objectors' viewpoints. The speaker concluded that the replacement of a two-storey flat roof, and the change of rear extension, would improve the view of the nearby AONB, and the scheme had been reviewed and supported by the Council.

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

The speaker stated that she was a neighbour and also represented number 20. The speaker asserted the application had a significant uplift, going from 133 to 277 square metres in area. The proposed development would double the size of the property and extended close to the boundary of her property, with a comment that any space would be gone. The speaker stated that a 1.3 metre ridge increase would be a reduction of the light in the autumn and winter in her property.

The speaker then commented about the privacy screens and the roof terrace and stated that the proposed design was too small, referring to a refused balcony design on a nearby property. The speaker noted that the land gradients compounded the proposed design. The amenities detailed in LP26 of the Central Lincolnshire Local Plan were in contravention if the proposed application was granted.

The speaker explained that the proposed development would lead to a loss of space for 16 and 18 Rasen Road, and had strong objections from the local Members. The speaker concluded her statement by referring to the local character of Tealby, expressing that the village had a unique beauty, with the Wolds necessitating special protection, and that the proposed development would impact and harm the village.

The Chairman thanked the speaker for her statement and then invited a response from the Planning Officer. The Officer stated that the application submitted was not the same as the pre-application submission and that the distance to the side elevation of Number 16 was 1.8 metres. The Chairman then invited comments from Members of the Committee.

There was discussion on the possible domination of the scenery of the proposed development. Members deliberated on whether the proposed design was better suited to the AONB and the surrounding area.

There was also discussion on the ridge height uplift of the proposed application, with debate on the effect of this application's outcome. One Member stated that though it was odd, it was not enough to refuse planning permission. Members also debated whether the application

would harm the nearby Viking Way, the surrounding area, and the neighbours' privacy and access to light.

The Vice-Chairman proposed a site visit as he was in two minds over the proposed application and felt a look and proper viewing would be beneficial.

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.

8 144620 - 1 MALTINGS COURT, MARKET RASEN

The Chairman introduced the final application of the meeting, planning application 144620, for a lawful development certificate to convert bathroom to wet room including removal of airing cupboard and other internal alterations to a Listed Building, at 1 Maltings Court, Market Rasen, Lincolnshire, LN8 3AZ.

After a short presentation, and with no updates to the report, the Chairman stated that there were no registered speakers. The Chairman then invited comments from Members of the Committee.

There was wide approval that a change to a wet room was of no issue, and a comment was made that it would improve the living situation of the resident.

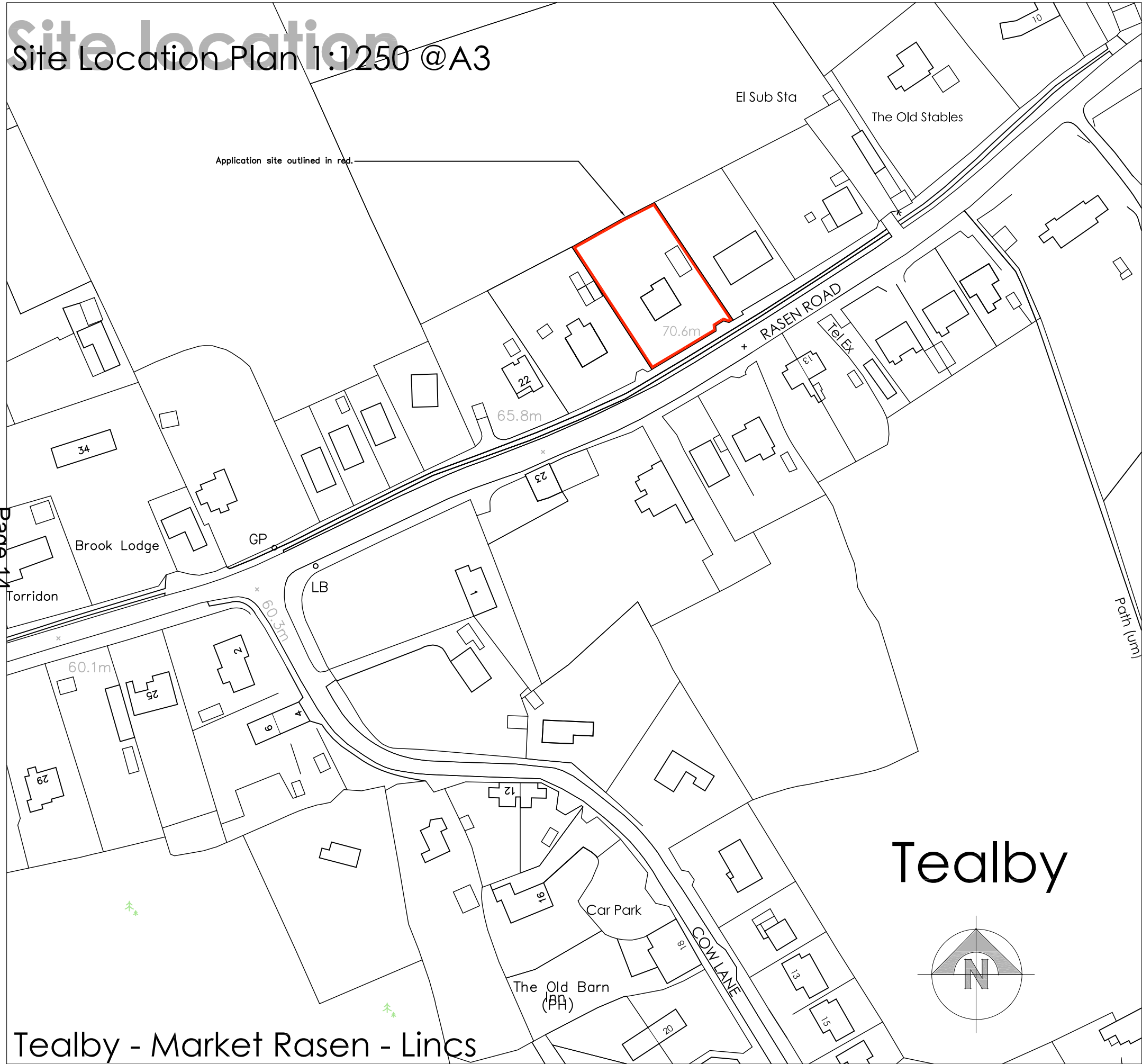
Having been proposed and seconded, the Chairman took the vote and it was unanimously agreed that the Certificate of Lawful Development be **GRANTED**.

9 DETERMINATION OF APPEALS

There were no appeal determinations for noting.

The meeting concluded at 8.15 pm.

Chairman



Site location

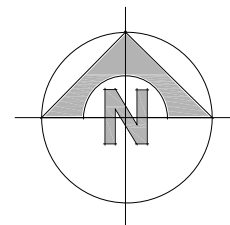
Site Location Plan 1:1250 @A3

Application site outlined in red.

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Tealby - Market Rasen - Lincs

Tealby



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Revisions

- | | |
|---|-------------------------------|
| a | Neighbouring dwelling updated |
| b | Neighbouring dwelling updated |

23.02.2022

09.03.2022

Client

Mr & Mrs Bond

Project

Extensions & Alterations to Dwelling

Address

18 Rasen Road Tealby -
Market Rasen, Lincolnshire

Drawing

Site Location Plan

Scale

1: 1250 @ A3

Date

October 2021

Drawing No.

1788B/ 21 / 10b



T 01522 690138
E mail@hwdarchitecture.co.uk
W www.hwdarchitecture.co.uk

2 Sadler Court | Lincoln | Lincolnshire | LN6 3RG



Officer's Report

Planning Application No: 144395

PROPOSAL: Planning application for extensions and alterations to existing dwelling

LOCATION: Barnaby 18 Rasen Road Tealby Market Rasen LN8 3XL

WARD: Market Rasen

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

APPLICANT NAME: Mr and Mrs Bond

TARGET DECISION DATE: 05/04/2022 (Extension until 27th May 2022)

DEVELOPMENT TYPE: Householder Development

CASE OFFICER: Holly Horton

RECOMMENDED DECISION: Grant permission, subject to conditions

Description:

The planning committee, at its meeting on 25th May 2022 resolved to defer this planning application for a site visit. The committee site visit took place on 13th June 2022 at 6.30pm.

This application has been referred to the planning committee following third party representations from Cllr S Bunney, Cllr J McNeill, the Parish Council, and members of the public, who all object to the proposed development.

The application site is located in the village of Tealby, on the north western side of Rasen Road. The site consists of a detached dormer bungalow with a large two-storey flat roof extension to the rear. It has a private garden to the rear, detached garage and off-road parking provision to the side, and a small garden area to the front. Other residential properties adjoin the site to the north east and south west, with the open countryside to the north and north west, and the highway located to the south east. The dwelling is set back from the highway by approximately 7.5 metres and the site is also on a hill which slopes down in a south westerly direction.

The dwelling is within an Area of Outstanding Natural Beauty and lies just outside of the Tealby Conservation Area which is approximately 20 metres to the east of the application site's easternmost boundary. The boundary of the Conservation Area can also be found approximately 60 metres to the south of the application site's southernmost boundary.

The proposals have been amended following submission, and relate to drawings received on 6th April 2022.

The application seeks permission to erect a two-storey side extension with single storey side extension adjoined, single storey rear extension with roof terrace, and raise the ridge height of the existing dwelling. The existing garage would be removed. The ridge height of the dwelling would increase by approximately 1.3 metres to take the height of the house to approximately 7.9 metres. The two-storey extension would extend from the north east

elevation by approximately 5.3 metres and would have a length of approximately 10.9 metres. It would have a height to the eaves at the front of approximately 4.2 metres and at the rear of approximately 5.3 metres, and a height to the ridge of approximately 7.8 metres. The single storey utility extension would extend from the north east elevation of the proposed two-storey extension and would have dimensions of approximately 2.5 metres by 7.5 metres, with a height to the eaves and ridge of approximately 2.3 and 3.7 metres respectively. The single storey rear extension would extend from the rear of the dwelling by approximately 4.3 metres and would span the entire length of the house, and would have a height of approximately 3.2 metres. The roof terrace would be on top of the single storey rear element and would have two wooden privacy screens at either end at a height of approximately 1.8 metres.

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

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

Relevant history:

W108/548/76 – Extension to dwelling – Unconditional consent (1976)

CR/150/62 – Erect a double garage to replace existing single garage – U (1963)

Representations:

Chairman/Ward member(s):

19/04/2022 – Cllr Stephen Bunney – Objects to the proposal as summarised below:

- Having considered the amendments, my views on the application haven't changed from comments made on March 16th 2022.

24/03/2022 – Cllr John McNeill – Objects to the proposal as summarised below:

- Policy LP17 of the CLLP applies. The design and size of the proposed development will have a significantly negative impact on the immediate area, including a substantial effect on the views of Tealby village and the surrounding areas.
- The proposal significantly increases the size of the property and would be imposing on the built landscape of the area, and would be out of character with Tealby village.
- The development will impinge on the neighbouring properties including overlooking and loss of light.
- Development is contrary to Policy LP26 of the CLLP.

16/03/2022 – Cllr Stephen Bunney – Objects to the proposal as summarised below:

- The proposed extension substantially increases the size of the property and will become an immense/imposing

	<p>property which will be out of character for the area.</p> <ul style="list-style-type: none"> • Will impinge on the neighbours including overlooking their property and effecting their source of natural light. • The development does not meet Policy LP26 of the CLLP. • The size/design of the development will have a negative impact on the immediate area and also affect the views/vistas of the wider village and surrounding areas. Therefore, is contrary to Policy LP17 of the CLLP.
Tealby Parish Council:	<p>20/04/2022: Object to the proposal as summarised below:</p> <ul style="list-style-type: none"> • The proposal is too large for the plot, overdevelopment and disproportionate to the existing structure on site. • Given the size of the development, inadequate driveway/parking is left for the property. • Considerable loss of light to the neighbouring property. • Loss of privacy to neighbouring property. • The views of the AONB, the vista between Rasen Road and Castle farm/Viking Way will be blocked by the overdevelopment of the property.
Local residents:	<p>Hillcrest, 16 Rasen Road Hazel Mount, 20 Rasen Road 17 Rasen Road Jesmond Cottage, 14 Rasen Road 22 Rasen Road 12 Rasen Road Tudor Cottage, 23 Rasen Road White Cottage, 6 Rasen Road Holtwood Cottage, Bayons Park The Grange, Sandy Lane 3a Kingsway 7 Beck Hill</p> <p>Crowswood, Hall Drive, Walesby</p> <p>Object and raise the following concerns to the development (summarised):</p> <p>Amended Plans (comments from the original plans still stand):</p> <ul style="list-style-type: none"> • Direct overlooking due to separating distance between extension and No.16. • Shadow survey has no credibility and is limited to a snap shot of 4 times within a 24-hour period, and does not demonstrate detrimental effect of the proposed extension on loss of light. • 45-degree rule should apply • Increase in ridge height is misleading and would have further negative impacts. • Enormous roof terrace would create noise pollution and invade the privacy of the gardens of neighbouring

	<p>properties.</p> <ul style="list-style-type: none"> • Loss of views of Castle Farm from the road. • No obscure glass panel on the side of the proposed terrace would prevent privacy being lost to the neighbouring dwellings. It has increased in size and therefore means more people can congregate. • Concerns around the house being used as a holiday home with 6 proposed bathrooms and issues surrounding noise and nuisance associated with that. <p>Original (superseded) plans:</p> <ul style="list-style-type: none"> • Loss of light and overshadowing • Significant uplift in developed footprint of the site. • Unbalanced double storey extension that extends very close to the boundary with No.16 Rasen Road. • Outlook from No.16 will be permanently changed which will be totally dominant and destroy existing views. • New windows and large roof terrace would lead to direct overlooking and a clear loss of privacy to neighbouring properties – impacting the enjoyment of the properties and their garden areas. • No.18 Rasen Road is in an elevated position in relation to No.20 therefore overlooking would be increased due to the gradient of the land. • Design is totally out of character as most properties in the area are in the centre of the plots, not right up to the boundary line as is proposed here. • Contrary to LP26 of the CLLP. • Overly dominant, imposing and excessive development that would negatively impact the street scene. Could set a precedent for future development in the vicinity, eventually leading to a decline in the beauty of the village and the AONB. • The dwelling has already previously been extended. • Loss of sense of space and loss of privacy. • Loss of sunlight into garden of No.16 in winter months • Loss of light into lounge area of dwelling throughout the year. • Impact on air to the surrounding properties. • Adverse noise and vibration • Adverse impact upon air quality from odour, fumes, smoke dust and other sources. • The extension will affect the views and compromise the setting of the local buildings due to the views over the Wolds, the Viking Way and Castle Farm being seriously affected by this development. • Contrary to the Lincolnshire Wolds Management Plan (2018-2023).
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	<ul style="list-style-type: none"> • Development would place greater pressure on the existing drainage infrastructure and there's no indication as to how surface water will be managed to ensure there would be no detrimental impact. • Contrary to Policy LP25 of the CLLP as no heritage statement has been submitted to assess impact on the Tealby Conservation Area. • Property is destined to be a holiday rental – a large number of adults would lead to an increase in noise levels, ruining the peace and tranquillity of the village. • Insufficient parking provision for the size of the dwelling. • A similar balcony was removed from the application at 17 Rasen Road previously due to concerns raised by WLDC. • No attempt to mitigate the risk of overlooking from the roof terrace. • Approving this application makes it much more likely that the 'proposed future garage' would be allowed. • Impact of noise/light from the proposal when walking along the Viking Way. • The house could be turned in to a HMO in the future. • Contrary to the NPPF.
LCC Highways/Lead Local Flood Authority:	<p>20/04/2022 – No further comments.</p> <p>22/02/2022 – LCC Highways does not wish to restrict the grant of permission.</p> <p>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. Accordingly, Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) does not wish to object to this planning application.</p>
Archaeology:	No representations received to date.
Conservation Officer:	<p>13/04/2022 – No objections:</p> <ul style="list-style-type: none"> • Having considered the amended plans and the evidence provided within the Heritage Statement, I am not of the opinion that the proposal would cause harm to how the Tealby Conservation Area or any other heritage assets are experienced. <p>16/03/2022 – Further information required:</p> <ul style="list-style-type: none"> • The boundary of the Tealby conservation area lies just over 20m to the east of 18 Rasen Road's boundary (one dwelling in between). The boundary of the conservation area can also be found approximately 60m to the south of the dwelling's boundary (with Rasen Road and a dwelling in between). Tealby conservation area is a designated heritage asset. • In this case, I would suggest the applicant provides a Heritage Statement that outlines how they have

	considered the conservation area in preparing their proposals, and how the proposals would avoid harm to its significance.
Environmental Protection:	<p>12/04/2022 – No additional comments.</p> <p>18/03/2022 – Request the following conditions:</p> <ul style="list-style-type: none"> Hours of construction work: Construction works shall only be carried out between the hours of 8 am and 6pm on Mondays to Fridays; and at no time on Saturdays, Sundays and Bank Holidays unless specifically agreed in writing by the Local Planning Authority beforehand. REASON: To protect the amenity of the occupants of nearby dwellings in accordance with West Lindsey Local Plan First Review Policy STRAT1. Radon: The site is in an area which has elevated radon levels. Please can a radon informative be added to this application.
Tree Officer:	Has no concerns that the development will harm the retention of the trees that lie to the north west of the proposed extensions/alterations.
Lincolnshire Wolds AONB Officer:	No representations received to date.
Public Protection:	No representations received to date.
IDOX:	Checked on 05/05/2022

Relevant Planning Policies:	
National guidance	<p>National Planning Policy Framework National Planning Practice Guidance National Design Guide National Model Design Code</p> <p>https://www.gov.uk/government/publications/national-planning-policy-framework--2 https://www.gov.uk/government/collections/planning-practice-guidance https://www.gov.uk/government/publications/national-design-guide https://www.gov.uk/government/publications/national-model-design-code</p> <p><u>Statutory Duty</u> Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 https://www.legislation.gov.uk/ukpga/1990/9/section/72</p> <p>General Duty regards Area of Outstanding Natural Beauty Section 85 of the Countryside and Rights of Way Act 2000</p> <p>Lincolnshire Wolds Area of Outstanding Management Plan 2018-2023</p>

	https://www.lincswolds.org.uk/our-work/management-plan
Local Guidance	<p>Central Lincolnshire Local Plan (2012 -2036):</p> <p>LP1: A Presumption in Favour of Sustainable Development LP17: Landscape, Townscape and Views LP25: The Historic Environment LP26: Design and Amenity</p> <p>With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021).</p> <p>Full weight is being given to these policies in the determination of the application.</p> <p>https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/</p>
Neighbourhood Plan:	Parish not currently preparing a plan
Draft Central Lincolnshire Local Plan:	<p>In line with paragraph 48 of the NPPF, weight may now be given to any relevant policies in the emerging plan according to the criteria set out below:</p> <p>(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given); (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)."</p> <p>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).</p> <p>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.</p> <p>https://central-</p>

Local Plan Policies LP26: Design and Amenity, LP17: Landscape, Townscape and Views and LP25: The Historic Environment
Is the proposal well designed in relation to its siting, height, scale, massing and form?
Whilst it is noted that objections have been raised on these grounds, it is considered that the proposed development, following revisions, would be appropriate and in accordance with the development plan (particularly policies LP17 and LP26) in this regard. See below for further analysis.
Does the proposal respect the existing topography, landscape character, street scene and local distinctiveness of the surrounding area?
<p>Concerns have been raised by two Ward members, Tealby Parish Council, neighbouring dwellings and local residents in regards to the development being overly excessive and out of character with the surrounding area.</p> <p>The dwellings in the surrounding area forming Rasen Road are mixed in size and design including single storey, one and a half storey and two storey dwellings. The dwellings are all set back from the highway within their plots. The character of the area is therefore considered to be mixed with no established vernacular or clear conformity other than all being detached dwellings and set back into their plots. The development is also within the Lincolnshire Wolds AONB.</p> <p>Whilst it is acknowledged that the proposed extensions would result in a significant increase from that of the existing built mass when perceived from the highway, which would consequently significantly increase the presence of the dwelling, it is a spacious plot and it is considered that there is ample space within the site to accommodate larger scale extensions. The raising of the roof height by approximately 1.3 metres would further increase the presence of the dwelling however it is considered that this would be acceptable in relating to the existing dwelling and its architectural frontage, and would respect the street scene context in which it would be viewed. It would not be out of scale with surrounding properties. The introduction of the gable roof design at the rear of the dwelling is considered to improve the appearance of the dwelling when viewed from the Viking Way and the wider AONB as it would replace the existing large expanse of flat roofing which is viewed prominently when walking along the Viking Way, and would therefore better reflect and respect the character of the area. It is considered that the proposals are of a size and scale that are noted to be in-keeping with the host property and would be proportionate to the size of the plot/garden area.</p>
Does the proposal harm any important local views into, out of or through the site?
No. The views towards Castle Farm from Rasen Road are not considered to be adversely affected by the proposed development as there would still be views to the south west of the site.
Does the proposal use appropriate materials which reinforce or enhance local distinctiveness?
Yes. The materials for the two-storey side extension would be reclaimed brickwork from the original house and new bricks to match the original as close as possible, with roofing to match the existing. At the front and side, the windows would be white uPVC which would match the existing, and grey uPVC at the rear. The single storey rear and side extension would be off-white render. Whilst it is noted that off-white render would differ to the existing red-brick, only the front elevation of the utility would be visible within the street scene and is therefore considered to not have an unacceptable harmful impact on

the street scene or character of the area. In addition, the rendered rear extension would be visible from the Viking Way and the wider AONB however the dwelling at No.22 Rasen Road is fully rendered and many of the outbuildings at No.20 Rasen Road are also rendered in an off-white colour therefore it is considered that the rendering of the single storey extension would not have an unacceptable impact on the character of the area and would therefore be acceptable.

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

Concerns have been raised by two Ward members, Tealby Parish Council, neighbouring dwellings and local residents in regards to overlooking, over shadowing, loss of light and over dominance.

Overlooking

Currently, the first-floor windows at the rear of the property overlook the non-immediate rear area of the neighbouring gardens (No.16 and No.20), and is similar in nature to the overlooking experienced by most properties in this area with a first-floor element. Whilst overlooking would be increased with the additional window at first floor level at the rear, it is considered that this would not have a further unacceptable harmful impact on neighbouring properties, due to the existing views that are experienced from the first-floor windows of the existing dwelling. The windows at first floor level on the south western elevation would remain the same. The windows at first floor level on the existing north eastern elevation serve two bedrooms and an en-suite and the proposed two-storey side extension would have one window that would serve an en-suite bathroom. This would be required to be obscurely glazed to protect the privacy of the occupants of the neighbouring property to the north east, therefore a condition would be attached in regards to this. The insertion of roof lights on the front roof scape and on the front elevation of the side extension, due to their siting, would not be expected to cause any overlooking that would be deemed unacceptably harmful due to the separating distancing between neighbouring properties. The windows at ground floor level are not considered to give rise to any unacceptable impacts in regards to overlooking due to their size, scale and siting in relation to neighbouring properties.

In regards to overlooking from the proposed roof terrace, 1.8 metre high privacy screens - constructed from either oak or red cedar wooden slats – would be situated at both the north eastern and south western sides of the roof terrace, and as such, it is considered that the immediate garden areas of both neighbouring properties (No.16 and No.20) would remain private. Therefore overall, the proposals are considered to be acceptable in this regard.

Over dominance

The proposed extensions and alterations would result in the presence of the dwelling being more visually prominent to the occupiers of the dwellings located to the north east and south west of the site (No.16 & No.20 Rasen Road). It is considered that this presence would not be expected to be unacceptably harmful to the living conditions of the occupiers of No.16, due to the separating distance of approximately 7.0 metres between the north easternmost elevation of the proposed the two-storey extension and the south westernmost side elevation of No.16. There would be a separating distance of approximately 5.4 metres between the north easternmost elevation of the single storey

extension and the south westernmost side elevation of No.16. The distance between the south westernmost elevation of the host dwelling and No.20 would remain the same with the increased ridge height and single storey rear extension/roof terrace being more visible. It is therefore considered that whilst the proposed extensions would increase the presence of No.18 when viewed from No.16 and No.20, they would not have an unacceptable over bearing impact on the dwellings.

Loss of light/ overshadowing

Following concerns over the potential loss of light and overshadowing of neighbours, the applicant was requested to provide a sun and shadow study. The agent has confirmed that the software used to produce the sun and shadow study is industry standard software. In regards to loss of light and overshadowing, the proposed extensions would be set to the west of the neighbouring dwelling (No.16). It should also be noted that the site lies on a hill and therefore is situated on land lower than the neighbouring dwelling to the north east.

The Local Planning Authority are required to assess the impact over and above the impact of the existing house and whether the proposed extensions and alterations would cause such a significant issue with loss of light and overshadowing that it would significantly harm the amenities of the neighbouring property. In this case, only one neighbour would be affected (No.16), they are set to east of the host dwelling and are also situated on land higher than the application site. The rear of No.16 is north west facing and therefore does not benefit from any direct sunlight due to the positioning of the house and the light that enters these rooms is already secondary light and not sunlight. There are three south west facing windows on the side elevation of No.16, one is obscurely glazed and serves an un-habitable room, and the other two serve the 'lounge area'. It should also be noted that a large bay window with patio doors also serves the lounge along the north west elevation.

A sun and shadow study has been supplied within the application to show a visualisation of the proposed shadowing effect that the proposed extensions/alterations would cause on No.16. The light assessment shows the anticipated shadowing effects from four equidistant timeframes across a 12-month period including 21st March, 21st June, 21st September, 21st December. The assessment concludes the following:

21st December and 21st June: The proposed extensions and alterations would have no impact over and above the overshadowing that already arises from the existing dwelling.

21st March and 21st September: It is considered that whilst the proposed extensions would reduce light, it would not be for sustained periods of time, the only issue arrives during the late afternoon where there is already an issue from the existing house.

Therefore, the impact of the extensions and alterations over and above the existing dwelling is considered to not be significantly harmful to the living conditions of the neighbouring dwelling (No.16).

To conclude, whilst the report appreciates that the proposal would cause overshadowing during the late afternoon period of the late autumn and early winter months only, this would not be a significantly unacceptable impact over and above the shadowing caused

by the existing house. As such, it is considered that the proposal would not cause significant sustained overshadowing impacts throughout the year that would significantly impact the living conditions of the occupiers of No.16. Therefore, this would not warrant a refusal of the application.

The objections in relation to the '45-degree rule' have been noted however from the assessment I have made, it is considered that the existing dwelling at No.16 would not be unacceptably overshadowed or experience unacceptable levels of loss of light by the proposed extensions/alterations. The '45-degree rule' arising from the Building Research Establishment is used as a rule of thumb to determine whether or not more detailed daylight and sunlight calculations are required. However, it is not set out within national planning policy or guidance, and is not a policy of the development plan, against which decisions must be made. In this instance – the applicant has provided more detailed shadowing assessments that have been taken into consideration.

Therefore, it can be concluded that the proposals overall would not have a significant detrimental impact upon the living conditions of the occupiers of the neighbouring properties and are therefore considered acceptable.

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

No. The Conservation Officer has been consulted and has commented that having considered the amended plans and the evidence provided within the Heritage Statement, they are not of the opinion that the proposal would cause harm to how the Tealby Conservation Area or any other heritage assets are experienced. It is therefore considered that the proposals are acceptable in this regard and would preserve the setting of the Tealby Conservation Area.

The Tree Officer has been consulted and has commented that they have no concerns that the development would harm the retention of the trees that lie to the north west of the proposed extensions/alterations. The proposal is therefore considered to be acceptable in this regard.

The Authority is placed under a general duty (s85 of the Countryside and Rights of Way Act 2000) that *“In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty.”*

It is considered that the proposed development would not be harmful to, and would otherwise conserve the purpose of the AONB.

Other considerations:

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

Yes.

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

Concerns have been raised by the Parish Council, neighbouring properties and local residents in regards to parking provision.

There appears to be enough parking for a 6 bedroom dwelling. In addition, the Local Highways Authority have been consulted and have not objected to the proposal or its impact on off street parking.

Other matters
The development would benefit from householder permitted development rights. In view of the extensions and alterations proposed, it is recommended that a condition is applied to remove permitted development rights in order to ensure the residential amenity of the neighbouring dwellings and character of the area is protected.
Response to Environmental Protection comments:
It is considered that it is not reasonable or necessary to restrict working hours/hours of construction at this site. They would be for a limited period and additional restrictions could prolong the duration of works. A radon informative would be added to the decision notice as requested by Environmental Protection.
Response to neighbour comments:
<ul style="list-style-type: none"> • Every application is assessed on its own merits therefore any previous and future application will have been/will be assessed as such. • The proposed development would be an extension to an existing dwelling that is positively drained. Given the nature of the proposed extension, it is considered that any impact on surface water would be limited, and the request for a surface water drainage scheme would be unnecessary. The dwelling is also not in an area at risk from flooding or in an area at risk from surface water flooding, therefore the proposal is considered to be acceptable in this regard.

Conclusion and reasons for decision:
<p>The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP17: Landscape, Townscape and Views, LP25 The Historic Environment and LP26: Design and Amenity of the Central Lincolnshire Local Plan in the first instance as well as the General Duty regarding Area of Outstanding Natural Beauty - Section 85 of the Countryside and Rights of Way Act 2000 and the Lincolnshire Wolds Area of Outstanding Management Plan 2018-2023. Guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, National Model Design Code and the Central Lincolnshire Local Plan 2021 Consultation Draft has also been taken into consideration.</p> <p>In light of this assessment it is considered that subject to the recommended conditions, the proposal is acceptable and will preserve the character and appearance of the Area of Outstanding Natural Beauty. It will not harm the character and appearance of the street scene or the dwelling or have an unacceptable impact on the living conditions of the residents of neighbouring properties.</p>

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.

Recommended Conditions:

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

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

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

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

None.

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 1788B / 21 / 24d dated 29th March 2022, 1788B / 21 / 22c dated 29th March 2022 and 1788B / 21 / 23c dated 29th March 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 and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

3. The development must be completed in strict accordance with the external materials listed on the application form and on drawing 1788B / 21 / 24d dated 29th March 2022.

Reason: To ensure the use of appropriate materials to accord with the National Planning Policy Framework, Policy LP26 of the Central Lincolnshire Local Plan, and Policy D1 of the Neighbourhood Plan.

4. Prior to first occupation of the approved development, the north east facing window on the first floor of the two-storey extension shall be glazed in obscure glass and thereafter retained in perpetuity.

Reason: To safeguard the residential amenities of nearby residential properties and avoid overlooking in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

5. Prior to first occupation of the approved development, the privacy screens at either end of the roof terrace shall be installed and thereafter retained in perpetuity.

Reason: To safeguard the residential amenities of nearby residential properties and avoid overlooking in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

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

6. Notwithstanding the provisions of Class A, B and E of Schedule 2 Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order), following the commencement of the development hereby permitted, there shall be no further alterations, additions or enlargement to the dwelling and its roof, or additional buildings within its curtilage, unless planning permission has first been granted by the local planning authority.

Reason: To safeguard the residential amenity of adjoining dwellings and to safeguard the character and appearance of the building and its surroundings and in accordance with the National Planning Policy Framework and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

Notes to the Applicant

There is potential for raised levels of radon in this area. Suitable measures ought to be taken during construction to mitigate any impact upon subsequent inhabitants.



Officers Report

Planning Application No: 144646

PROPOSAL: Planning application to erect 6no. dwellings.

LOCATION: Land adj to Dunholme Close Dunholme Lincolnshire LN2 3RY

WARD: Dunholme and Dunholme

WARD MEMBER(S):

APPLICANT NAME: Mr Tom Pickering

TARGET DECISION DATE: 19/05/2022

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Refuse Permission

The application is considered to comprise a departure from the provisions of the development plan, in particular the Central Lincolnshire Local Plan and Dunholme Neighbourhood Plan. It has received objections from a Ward Member and from local residents. It has however received support from both Dunholme and Welton Parish Councils. The Planning Team Manager therefore considers it appropriate that the application is determined by the Planning Committee.

Site:

The application site is an area of relatively flat land (0.87 hectares) within the Parish of Dunholme. The site separates residential dwellings between the settlements of Welton and Dunholme. The site is within the Dunholme Parish, as are the dwellings immediately north but the residential dwellings to the north all have a Welton postal address and may be considered as part of Welton's 'developed footprint'. The site comprises a compound area identified by conifer trees/metal corrugated sheeting, areas of overgrown grass and areas used for storage of materials such as roof tiles, brick, stone and timber. The site also comprises items such as shipping containers, small sheds, trailers and a caravan structure. There are a number of grass bunds on the site. The site is accessed via a single access point off Ryland Road and has a natural vehicle track running from east to west. The north boundary of the site is screened by metal fencing with trees and hedging on the other side. The east boundary is screened by corrugated metal fencing/trees and hedging with some gaps. Hedging and trees (some gaps) screen the south and west boundaries. To the north of the site are residential dwellings with residential dwellings and open countryside to the east. To the south and west is open countryside. The site is designated as 'green wedge' between Dunholme and Dunholme/Welton, within the Development Plan. The site is identified as potentially contaminated land with public rights of way Dunh/169/1 adjacent the north boundary

Development:

The application proposes development to divide the site into two distinct areas. These are:

1. A line of 6no. five-bedroom two storey contemporary style dwellings in the north west corner of the site with vehicular access from Dunholme Close.
2. An area of open space with wildflower meadows and a footpath with two entrance/exit points.

Relevant history:

The planning history demonstrates that the application site has been subject to applications for residential (and other) developments for now approaching 60 years. Planning permission has been refused consistently across subsequent development plans due to the erosion of the settlement break or “green wedge”.

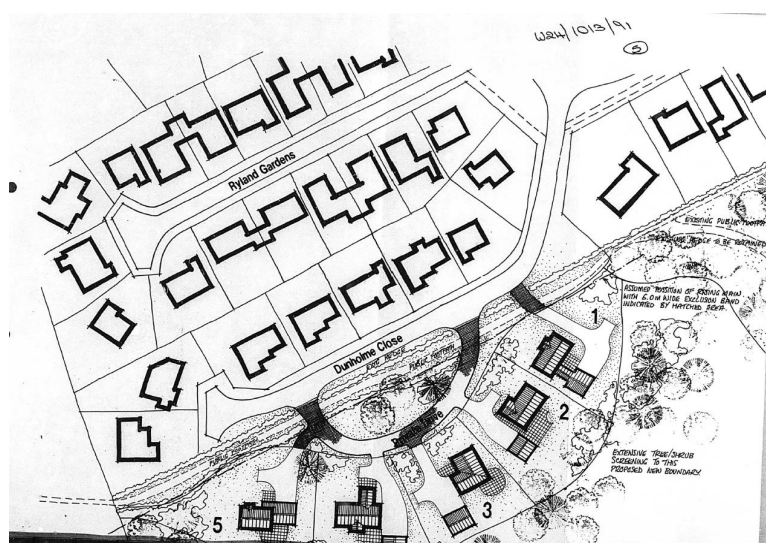
This latest application amounts to the seventh application for residential development since 1989. In 1991, 2013 and 2016, planning appeals were considered by Government Planning Inspectors – all were dismissed due to the harm to the settlement break. Relevant planning history is summarised as follows:

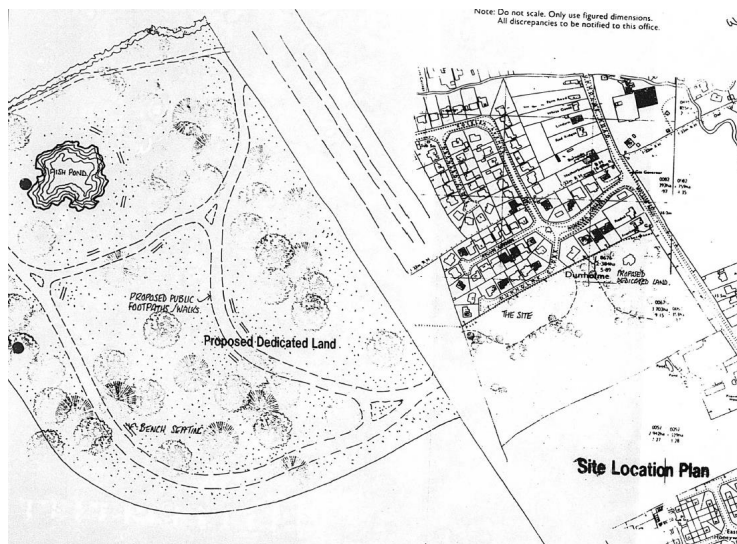
WR/227/62 – Erect dwellings. Refused 3rd August 1962 [Reason for refusal – result in coalescence of Welton and Dunholme].

W25/170/89 – Outline application to erect 5 dwellings. Refused 6th April 1989.

W24/131/91 – Construct two vehicular accesses. Approved with conditions. Appeal against conditions dismissed February 1992.

W24/1013/91 – Outline to erect 5 dwellings. Refused and Appeal (APP/N2535/A/92/210669/P2) dismissed 20th October 1992 (Development would intrude into attractive gap reducing separation of two Settlements) (See Appendix A)

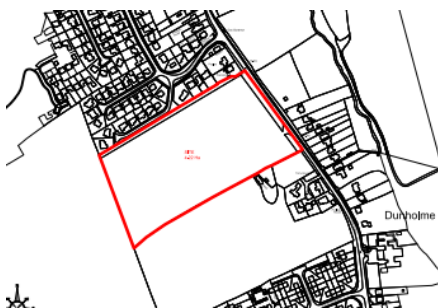




W24/97/95 – Outline planning application to erect eight dwellings. Refused 25th May 1995. [Reason for refusal – loss of important break between defined settlements].

W24/127/95 – Planning application to change the use of agricultural land to open space football pitch and to erect a clubhouse. Refused 25th May 1995. [Reason for refusal – loss of important break between defined settlements].

130168 - Outline planning application for erection of 74no. Dwellings-including 30no. affordable units-with associated access arrangements and open space provision-access to be considered and not reserved for subsequent applications - 20/09/13 – Refused – Appeal Dismissed 27/06/14 (APP/N2535/A/13/2207053) (See Appendix B)



Reason for Refusal:

1. The development is proposed to take place on previously undeveloped land identified as an undeveloped break between settlements within the West Lindsey Local Plan First Review (June 2006). The result of development would be to significantly erode the significance of the gap in sustaining the separate and individual identities and setting of these two villages, and would lead to the perceived coalescence of these individual settlements. This would be contrary to the provisions of STRAT13 of the West Lindsey Local Plan First Review which seeks to prevent development that would detract from the open rural character of undeveloped land which forms an open break, maintains the physical identity and prevents the coalescence of settlements. This significant

harm would outweigh the benefits of development and the proposals are not therefore considered to accord with the National Planning Policy Framework presumption in favour of sustainable development.

2. The site is considered to have the potential to contain heritage assets of archaeological significance, and the application does not adequately address the extent, significance and impact upon any such heritage assets. This is contrary to the approach of the National Planning Policy Framework, particularly chapter 12, which requires an assessment to consider the impact of a proposal on the significance of a heritage asset, and to avoid or minimise conflict

Extracts from appeal statement:

Paragraph 18

"The appeal site is not of high quality in landscape terms and it does not provide a memorable gateway feature, but its openness provides the contrast with the existing development to define the village edge and maintain the settlement's rural context. The critical factor is the absence of a developed frontage to Ryland Road. It is particularly important that the undeveloped frontage is here reflected by the small field on the east side of Ryland Road. The two fields are not entirely opposite one another, so that the extent of the space they offer does not coincide. But the absence of built development to both sides of the road and the ability to perceive the open land beyond provides a critical clear break between the two villages."

Paragraph 22

"The change from open land to developed housing area would be clearly discernible from Ryland Road. The extent of the open gap between settlements would be significantly reduced."

Paragraph 27

"The effect of this would be to change the character of most of the west side of Ryland Road to a perceived developed frontage. Only the narrow intervals to the north and south of Cottingham Court would remain unbuilt. Crucially, for the first time the developed frontages to both sides of the road would overlap. There would be the beginnings of coalescence of the two villages."

Paragraph 50

"In this case, taking account of the extent of development proposed, I find the effect on the gap between villages would be significantly harmful, and would have permanent effect. The direct conflict with the principle outlined by Policy STRAT 13 is a matter of great weight. On balance, the proposal's adverse impacts would significantly and demonstrably outweigh its benefits. The proposal would not comprise a sustainable form of development in accordance with national and local policy."

132425 - Outline planning application for erection of 12no. dwellings - access to be considered and not reserved for subsequent applications.

(The Council declined, in letter dated 24 March 2015, to determine the application under the provisions of s70A of the Town & Country Planning Act

1990. This is because the Authority thinks that the development and the land to which the application relates is substantially the same as that previously dismissed by the Secretary of State on appeal in the preceding two years; and that the Authority thinks that there has been no significant change in the relevant considerations since that event.)

132426 - Planning application for change of use from agricultural land to public open space – 27/08/15 – Refused – Appeal Allowed 14/06/16 (APP/N2535/W/16/314351) (See Appendix C/D)



133064 - Outline planning application for the erection of 12no. dwellings- access to be considered and not reserved for subsequent applications- resubmission of 132425 – 27/08/15 – Refused – Appeal Dismissed 14/06/16 (APP/N2535/W/16/3145353) (See Appendix C/D)



Reasons for Refusal:

1. The proposal is considered to represent unjustified residential development of land located within the open countryside. Furthermore the proposal will result in the partial development of land identified as an undeveloped break between settlements within the West Lindsey Local Plan First Review (June 2006), which is considered to significantly erode the significance of the gap in sustaining the separate and individual identities and setting of the villages of Dunholme and Dunholme and would lead to the perceived and actual coalescence of the villages. This significant and demonstrable harm would outweigh the benefits of the development. The proposal is therefore considered to be contrary to Local Plan Policies STRAT12 – Development in the Open Countryside and Policy STRAT13 - Undeveloped Breaks between Settlements and Green Wedges Around Lincoln of the West Lindsey Local Plan First Review (June 2006) and the emphasis of sustainable development contained in the NPPF, particularly paragraphs 7, 14, 17, 49, 55, 61 and 109.

Extracts from Appeal Decision (Appeal A for 12 dwellings):

Paragraph 12

"This is rather the point. The settlement break here is narrow, being only around 300m across. Although the appeal field may be unremarkable in landscape terms, it nonetheless comprises a significant proportion of the settlement break here and is, arguably, situated at the point between the two villages where the sense of their distinct separation is most readily apparent to those passing between them. This sense is further enhanced by the more enclosed and intimate form of the landscape of the settlement break at this point."

Paragraph 13

"Far from being an indistinct gap, the openness of the appeal field, combined with that of the field to the east of Ryland Road, north of the ribbon development heading out from Dunholme, allows one to appreciate a critical distinction between the two villages when moving along Ryland Road. This is particularly apparent when heading north from Dunholme, when one can readily perceive a clearly defined southern edge to Dunholme formed by development on, and a firm landscaped boundary to, Dunholme Close and Roselea Avenue. In addition, even with the fencing to the field's eastern boundary in place, the undeveloped nature of the appeal sites is clearly visible from vehicles and on foot, with views easily achieved across them to the field's western hedgerow boundary and the open countryside beyond."

Paragraph 14

"The sense of separation is also clearly perceptible from footpaths 169 and 785, which are obviously well used by local residents."

Paragraph 15

"Should the proposed residential development proceed, it would extend the built form of Dunholme around 100m further south into the settlement break. Given the already narrow width of the break at this point, advancement of Dunholme's built form to this degree, well beyond its well-established settlement edge, would result in a very significant reduction in the depth of the break."

Paragraph 22

"I conclude, therefore, that the proposed residential development would have an adverse impact upon the undeveloped settlement break between Dunholme and Dunholme. It would conflict with Local Plan policies STRAT 12 and STRAT 13, and with emerging WNP policy EN4, the aims of which are set out above."

Extracts from Appeal Decision (Appeal B for agricultural land to public open space):

Paragraph 19

“Turning to the proposed change of use to public open space, the Council’s concerns in this regard centre on the potential impacts of the paraphernalia (e.g. bins, benches, signage, play equipment) usually associated with public open space, which, it argues, would contribute to the sense of diminution of an undeveloped break between the villages. As discussed at the Hearing, however, this could be addressed by a condition removing relevant permitted development rights. As such, the principle of a change of use would be acceptable, subject to an appropriate landscaping and management plan for the site, and would not result in any appreciable change to the undeveloped break.”

Paragraph 22

“I further conclude that the proposed change of use to public open space would not have an adverse impact upon the settlement break and, thus, would not conflict with these same policies, receiving active support from WNP policy EN4.”

Representations

Cllr S England: Objections

This application is a rehash of several applications made to develop housing on this site. All have been refused and appeal to the planning inspectorate have been dismissed. This land is a settlement break between the villages of Dunholme and Dunholme clearly defined in the CLLP and it would seem supported as such in the upcoming review of that document. This application is based on the land being included in the proposed review of the Dunholme NP which carries no weight and is not reflective of the local plan either existing or proposed which N/P regulations require it to be

Dunholme Parish Council: Supports

Please find detailed below comments of Dunholme Parish Council who voted on the 7th March 2022 unanimously to support this application

This application differs significantly from previous applications not by just reducing the number of dwellings - It now includes eco-friendly contemporary sustainable dwellings, incorporating a living roof (wild flowers etc) which have been specifically designed to have low impact to views looking across the field from Ryland road.

The Parish Council welcomes the opportunity to support Creative Architecture along with sustainable Ecological credentials. An important element to the plan is the inclusion of a Community Green Space.

Amenity Greenspace

Open spaces that are normally predominately mown but may also include trees and landscaping. They may be used for a variety of informal recreational or social activities close to home or work, such as walking, sitting and passive recreation.

Natural and Semi-Natural Greenspace

Natural and semi-natural open space which have been planted or colonised by vegetation and wild life, including woodland and wetland areas the public have legal or passive access.

Access standard

400m walking distance to an accessible natural greenspace of at least 2 hectares - The above as defined in Central Lincolnshire local plan consultation Draft June 2021.

Green Wedge Ryland Road (south of Roselea Avenue)

There are two fields on the left defined as "Green Wedge" adjacent to Ryland road with a combined total of approximately 20 acres, one 10 acre field is owned by the appellant. This application only affects the Land adj. to Dunholme Close. The small development is situated in the top corner of the 10 acre field next to established dwellings. The development requires 2 acres in total, the remaining 8 acres is proposed to become Community Green Space.

The Parish Council consider the application constitutes a significant improvement to the physical structure and surrounding area of Green Wedge. The inclusion of the Community Green Space future protects the integrity of the Green Wedge. (Against any new guidance re-Green Wedge development) The construction of 6 houses of Contemporary Sustainable homes purposely designed to have low impact to the views from Ryland Road and close to established residential dwelling. There is a shortage of Community Green Spaces of this size (8 acres) in the area open to all, this could be a first. Residents of all ages will benefit.

Impact to Green Wedge

There will be a reduction in acreage from the present 20 to 18 acres that's if you accept the community Green space as a community asset in lieu of Green Wedge. We believe this application although reduces the defined Wedge our justification for supporting the application It opens enhanced views from Ryland Road which is currently detracting from of the local area which is in a poor unkempt condition. There have been a number of proposals over the years most offered Community Space, Car Parking for Primary School, Millennium Park one way or another unsuccessful. This application in fact has no negative impact on the amenities or neighbouring properties. We at Dunholme Parish Council want to see a resolution to this ongoing issue. Our community want see an attractive community space between both villages. The Parish council acknowledge the importance of Settlement Breaks the approval of this application protects the future of the Green Wedge for perpetuity.

Welton Parish Council: Supports

The Parish Council supports this application in line with policy EN4 of the Dunholme-by-Lincoln Neighbourhood Plan, in that it would enhance the green wedge for the benefit of both communities.

Local residents: Representations received from:

Support (summarised):
15 Dunholme Close, Dunholme

- No objections to this planning application.
- I would request that if this application is approved there are conditions applied:
 - A. Total removal of the leylandi trees along the north/north west boundary of the proposed development
 - B. Firm stipulations on positioning and varieties of any replacement trees/hedging planted as to not compromise the accessibility to solar energy or daylight at the properties on Dunholme close.

At present, and despite being south facing, many are either fully in shade or in shade for the majority of the day, due to the proximity of existing line of trees.

Objections (summarised):
2, 7, 11 Dunholme Close, Dunholme
2, 6 Roselea Avenue, Dunholme
The Manor, 1 Manor Lane, Dunholme

Green Wedge/Settlement Break

- Land is a settlement break between Dunholme and Dunholme as defined in the CLLP.
- Erodes the significance of the gap in sustaining the separate and individual identities and settings of these two villages.
- Be refused on same grounds as previous planning applications and appeals
- Any housing detracts from purpose of green wedge and set dangerous precedent for other green wedges/settlement breaks.
- Not consistent with CLLP or Dunholme Neighbourhood Plan.

Open Space

- Linking the housing to the open space does not in any way affect the primary decision.

Visual Impact

- Housing not in keeping with local style/character of housing in Dunholme and Dunholme.
- Not in keeping with adjacent bungalows.

Residential Amenity

- Infringe on the privacy of existing properties.
- Privacy and light impact from two storey dwellings on Roselea Avenue due to tree planting to the rear.

Highway Safety

- Increase in traffic on small cul-de-sac.

Flood Risk

- Site regularly floods.

Site Conditions

- Not a reason to justify planning permission as outlined by planning inspector.

Other

- Do not wish to have site compound situated within close proximity to existing dwellings.

LCC Highways/Lead Local Flood Authority: No objections with condition and advice

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.

Condition:

The development hereby permitted shall not be occupied before a footway (width to match existing) to connect the development to the existing footway network, has been provided in accordance with details that shall first have been submitted to, and approved in writing by, the Local Planning Authority. The works shall also include appropriate arrangements for the management of surface water run-off from the highway.

Strategic Housing: Comment

The size of the dwellings proposed on the above site exceeds 1000sqm which would trigger an affordable housing contribution under policy LP11 of the Central Lincolnshire Local Plan. However, that has now been superseded by the NPPF paragraph 64 which states affordable housing should only be sought on major developments. The NPPF defines major developments as "For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more." The site is 0.87 hectares in size and so will still trigger an affordable housing contribution.

With the location of the site, the contribution would be 25% of the units proposed to be delivered as affordable, on a site of six that would equate to 1.5 units. Although the Central Lincolnshire Local Plan states that all delivery of affordable housing must be on-site, I feel that due to the size of the proposed dwellings, none of them would be suitable to be delivered as affordable on the proposed site plan. With this in mind, an affordable housing commuted sum could be provided in lieu of on-site delivery. The current commuted sum for affordable housing in the Lincoln Strategy Area is £101,890 per dwelling which would mean that it would be a total of £152,835 commuted sum required on this site.

The contribution would be required to be secured through a S106 with a preferred trigger of payment on completion of 50% of the dwellings on site.

LCC Archaeology: No objections subject to conditions and advice
Parts of the proposed development area have previously been subject to a programme of archaeological evaluation in order to better understand the known site of an Iron Age settlement which is recorded in the Lincolnshire Historic Environment Record. The evaluation confirmed that the eastern part of the site contains the remains of an enclosed Iron Age round house settlement, with driveway and surrounding field system. This presents a number of issues and opportunities that are discussed separately below.

Preservation in Situ

The known archaeological remains on this site are of considerable archaeological interest and are best “preserved in situ” under public open space, as encouraged in the NPPF Section 16 and Central Lincolnshire Local Plan Policy LP25. It is understood that this is the approach that is proposed for the remains in the present application. In order to ensure that there is no impact during construction on the remains that are to be preserved in situ, this area will need to be fenced and clearly signed during the construction phase of the development. This is to ensure that no accidental impacts take place, such as through use as a site compound, storing heavy plant, dumping of soil or excavations for utilities or drainage. This should be secured by an appropriately worded condition.

Potential to Enhance the Historic Environment in the Public Open Space & Avoid Future Impacts

We would also recommend that there are opportunities to reflect the site’s important archaeological heritage within the design of the public open space in order to enhance and better reveal the significance of the village’s historic environment, and contribute to place making within the green wedge. The public benefits of protecting and enhancing the historic environment for creating sense of place and local distinctiveness is encouraged in the Section 16 of the NPPF, and the Central Lincolnshire Local Plan in Policies LP25 and LP22. In particular, we would encourage the developer to include a fixed interpretation board within the public open space which explains the significance of the Iron Age settlement, and how these ancient people lived sustainably within the landscape. This should clearly identify the location of the archaeological remains in order to raise public awareness, and discourage potentially damaging activities such as metal detecting, or future impacts such as through the creation of ponds or construction of structures or hard landscaping which would not be compatible with their preservation. We would also advise against tree planting directly within the enclosure of the Iron Age settlement where the most significant remains are located, as this could also have a detrimental impact on the archaeological remains. It is recommended that information on the archaeology should be shared with the landscape contractor and this office should be consulted on the final landscaping proposals and management plan in order to avoid or minimise potential future impacts.

Mitigation of Potential Archaeological Impacts from the Proposed Dwellings

The proposed new houses are located in the northwest part of the site, away from the most significant archaeological remains revealed in the evaluation, in an area which is thought to be of lower archaeological potential. Trench 7, which was the closest to the proposed dwellings did however reveal a ditch containing a probable Roman tile and there remains the potential for remains within this part of the site for features that may provide information on the setting of the Iron Age settlement. We would therefore recommend that all groundworks should be monitored by an archaeological with the ability to stop and fully record archaeological features. It is therefore recommended that prior to any groundworks the developer should be required to commission a Scheme of Archaeological Works (on the lines of 4.8.1 in the Lincolnshire Archaeological Handbook) in accordance with a written scheme of investigation submitted to and approved in writing by the local planning authority. This should be secured by appropriately worded conditions to enable heritage assets within the site to be recorded prior to their destruction. Initially I envisage that this would involve monitoring of all groundworks, with the ability to stop and fully record archaeological features.

NHS: No financial contribution required

LCC Education: No financial contribution required

WLDC Environmental Protection: No objection subject to conditions

- Contamination Condition
- Construction Management Plan Condition

WLDC Tree and Landscape Officer: Comment

The only plan I can see with some proposed planting is the 'Proposed Site Plan', Dwg No. Idc-3047-PL-02A, which appears to be an indicative plan pointing out where different types of planting would be, i.e. area of amenity grass, area of wildflower meadow, and does not contain any details. There are lots of tree symbols shown dotted around the site, but the plan does not mention trees. This in itself is inadequate as a scheme of landscaping. A detailed scheme of landscaping should be required, to include schedules giving details on species, tree sizes, tree form, shrub/plant container sizes of plant heights, meadow seed mix, any bulbs or grasses etc... The plan should identify which species is to be planted where. What does the 'wild grass bank' entail? It is to have a range of meadow type grasses planted, and would it be managed? We would not want a grass bank that is just left to go wild and become covered in unsightly weeds. Details should be provided so we can determine if the proposals are appropriate and how they would be managed for future amenity and biodiversity value. Details on ground preparation, planting pits, protection and support for trees, and aftercare should be required to ensure the new planting has the best chances of survival, particularly for the meadow areas as they require specific management regarding number of mowings, time of year, mown grass height, and treatment of arisings, otherwise the meadow plants and grasses will disappear in just 3 or 4 years if the areas are inappropriately managed. For all

communal or public open space areas, details of management and maintenance should also be required to ensure they are appropriately maintained in the future.

Conclusion

The proposed planting shown on the 'site layout plan' is inadequate as a landscape scheme. Further information and details are required.

Witham Third Internal Drainage Board: Comment

A permanent undeveloped strip of sufficient width should be made available adjacent to the top of the bank of all watercourses on Site to allow future maintenance works to be undertaken. Suitable access arrangements to this strip should also be agreed. Access should be agreed with the Local Planning Authority, LCC and the third party that will be responsible for the maintenance in consultation with the Internal Drainage Board where a watercourse is subject to Byelaws.

All drainage routes through the Site should be maintained both during the works on Site and after completion of the works. Provisions should be made to ensure that upstream and downstream riparian owners and those areas that are presently served by any drainage routes passing through or adjacent to the Site are not adversely affected by the development.

Drainage routes shall include all methods by which water may be transferred through the Site and shall include such systems as "ridge and furrow" and "overland flows". The effect of raising Site levels on adjacent property must be carefully considered and measures taken to negate influences must be approved by the Local Planning Authority.

No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system.

- If soakaways are proposed the suitability of new soakaways, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. If the suitability is not proven the Applicant should be requested to re-submit amended proposals showing how the Site is to be drained. Should this be necessary this Board would wish to be reconsulted.
- Where Surface Water is to be directed into a Mains Sewer System the relevant bodies must be contacted to ensure the system has sufficient capacity to accept any additional Surface Water.
- Any discharge into a water course will require a consent from the Board under the Land Drainage Act.

The provision for future maintenance of a surface water drainage system through a management company consisting of the residents, it is important that it is made clear what are the maintenance responsibilities for the

residents particularly in the medium to long term as the development matures and the properties change hands.

The Board has a major concern over the long-term maintenance of such arrangements and the difficulties of enforcing them. As the Local Planning Authority West Lindsey DC must ensure provisions are put in place to safeguard this so there is no increased flood risk to the new and existing properties, as currently the only way to enforce this is through the provisions in the planning process.

Lincolnshire Ramblers: Objections

It is adding to the Urban Sprawl that is happening throughout Lincolnshire and did not appear in the Local Plan. The Development turns The Public Right Of Way which is a countryside walk in to another walk between two housing estates. It will be the end of the green belt between Dunholme and Dunholme turning two settlements in to one larger one and they will lose the separate identities.

IDOX checked: 18th May 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); the Dunholme Neighbourhood Plan (made 23rd January 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

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

Relevant policies of the CLLP include:

- LP1 A Presumption in Favour of Sustainable Development
- LP2 The Spatial Strategy and Settlement Hierarchy
- LP3 Level and Distribution of Growth
- LP9 Health and Wellbeing
- LP10 Meeting Accommodation Needs
- LP11 Affordable Housing
- LP12 Infrastructure to Support Growth
- LP13 Accessibility and Transport
- LP14 Managing Water Resources and Flood Risk
- LP16 Development on Land Affected by Contamination
- LP17 Landscape, Townscape and Views
- LP21 Biodiversity and Geodiversity
- LP22 Green Wedge
- LP24 Creation of New Open Space, Sports and Recreation Facilities
- LP25 The Historic Environment
- LP26 Design and Amenity

LP52 Residential Allocations – Large Villages

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

- ***Dunholme Neighbourhood Plan (DNP)***

Relevant policies of the NP include:

Policy 1 General Housing Growth

Policy 2 Housing Type and Mix

Policy 4 Design Principles

Policy 6 Public Recreational Open Space

Policy 7 Green Infrastructure

Policy 10 Landscape Character

Policy 11 Settlement Breaks

Policy 13 Reducing Flood Risk

Policy 14 Water and Waste

A review of the existing Dunholme Neighbourhood Plan is currently being prepared by Dunholme Parish Council.

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

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

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

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

National policy & guidance (Material Consideration)

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

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

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

- ***National Planning Practice Guidance***

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

- **National Design Guide (2019)**

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

- **National Design Model Code**

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

Draft Local Plan / Neighbourhood Plan (Material Consideration)

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

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

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

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
- S5 Development in the Countryside
- S6 Reducing Energy Consumption – Residential Development
- S19 Resilient and Adaptable Design
- S20 Flood Risk and Water Resources
- S21 Affordable Housing
- S22 Meeting Accommodation Needs
- S44 Strategic Infrastructure Requirements
- S46 Accessibility and Transport
- S47 Walking and Cycling Routes
- S48 Parking Provision

S50 Creation of New Open Space, Sports and Leisure Facilities
S52 Design and Amenity
S53 Health and Wellbeing
S55 Development on Land Affected by Contamination
S56 The Historic Environment
S59 Protecting Biodiversity and Geodiversity
S60 Biodiversity Opportunity and Delivering Measurable Net Gains
S62 Green Wedges
S65 Trees, Woodland and Hedgerows
S66 Best and Most Versatile Agricultural Land

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

Other Material considerations:

- **Welton by Lincoln Neighbourhood Plan (WNP) - Made 5th June 2016**

The north boundary of the application site is approximately 87 metres away from the shared Parish boundary between Dunholme and Welton although the dwellings off Dunholme Close and Roselea Avenue are addressed in Welton. The WNP includes the following neighbourhood plan policy:

Policy EN4 Green Wedge

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

Whilst the WNP contains a policy on the green wedge the site is outside of the Welton Neighbourhood Area and is land within the Dunholme Parish area. It is not therefore a part of the statutory development plan, against which the application must be determined.

Policy EN4 of the Welton by Lincoln Neighbourhood Plan is identical to policy 11 of the DNP, part of the statutory development plan.

Nonetheless, that the Welton Plan has a policy to protect the settlement break and prevent physical (or perceived) coalescence with Dunholme, is a material planning consideration.

Central Lincolnshire Developer Contributions Supplementary Planning Document - Adopted June 2018

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

Main issues:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Neighbourhood Plan
Discussion

- Concluding Statement*
 - Affordable Housing
 - Developer Contributions
 - National Health Service*
 - LCC Education*
 - Open Space*
 - Community Infrastructure Levy*
- Design
- Residential Amenity
- Highway Safety
- Drainage
 - Foul Water*
 - Surface Water*
- Archaeology
- Biodiversity
 - Protected Species*
 - Trees*
- Landscaping
- Contamination

Assessment:

Principle of the Development

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

Central Lincolnshire Local Plan 2012-2036:

Local policy LP2 sets out a spatial strategy and settlement hierarchy from which to focus growth. Local policy LP2 states most housing development proposals in Dunholme (Large Village) will be '*via sites allocated in this plan, or appropriate infill, intensification or renewal within the existing developed footprint*'. The site is not identified as an allocated site in Local Policy LP52 of the CLLP.

Local policy LP2 defines an appropriate location as "*throughout this policy, the term 'appropriate locations' means a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26). In addition, to qualify as an 'appropriate location', the site, if developed, would:*

- *retain the core shape and form of the settlement;*
- *not significantly harm the settlement's character and appearance; and not significantly harm the character and appearance of the surrounding countryside or the*
- *rural setting of the settlement."*

Neighbourhood Plan:

The application site is located within the Parish of Dunholme. The shared boundary with Welton is approximately 87 metres to the north although the dwellings off Dunholme Close and Roselea Avenue are addressed in Welton. Both Dunholme and Welton have a made neighbourhood plan which post-dates the Central Lincolnshire Local Plan. Dunholme Neighbourhood Plan is the relevant host Neighbourhood Plan and part of the statutory development plan, against which the application must be considered.

The application site is outside of the Welton-by-Lincoln Neighbourhood Plan area – although its policy to protect the settlement break is a material consideration.

Dunholme Neighbourhood Plan (DNP):

As referenced above the made Dunholme Neighbourhood Plan is part of the Development Plan and has full weight in the decision making process. The relevant policies are listed in the policy section above but the principle policies are:

Policy 1 sets out the housing growth for Dunholme on allocated and windfall development.

Policy 2 sets out the requirement for the type and mix of housing.

Policy 4 provides criteria for design principles for development in Dunholme.

Policy 11 protects the settlement break from harmful development and development which leads to coalescence of Dunholme and Welton. Development which conserves, protects and/or enhances the green wedge for the benefit of the communities, for leisure and wildlife will be strongly supported.

Welton by Lincoln Neighbourhood Plan (WNP):

The weight given to the WNP is considered earlier on the report.

Discussion:

The proposed development is split into two distinct areas comprising:

- 6 dwellings in the north west corner of the site
- a large area of open space with a footpath with two entrance/exit points on the remainder of the site which would be available to the general public.

Housing Growth

The application site is not an allocated housing site in local policy LP52 of the CLLP or the DNP.

Glossary D of the CLLP defines infill (pg137) as “*development of a site between two buildings*” and local policy LP2 tier 4 requires infill, intensification and renewal development to be within the existing developed footprint. Policy 1 and 3 of the DNP only supports small scale windfall and infill development if it is within the developed footprint and meets to remaining criteria in policy 3 (criteria 2-5). The position of the proposed dwellings would not be between

two buildings and would not be considered to be within the developed footprint of Dunholme (or Welton). Therefore the development would not be considered a windfall, infill, intensification or renewal development.

In line with local policy LP2 the development would additionally not retain the core shape and form of the settlement and would have a significant impact on the character and appearance of the settlement and its rural setting. It would not therefore qualify as an “appropriate location” under local policy LP2.

Local policy LP2 tier 4 of the CLLP additionally states that *“in exceptional circumstances, additional growth on non-allocated sites in appropriate locations outside of, but immediately adjacent to, the developed footprint of these large villages might be considered favourably, though these are unlikely to be of a scale over 25 dwellings / 1 ha per site (whichever is the smaller).”* Exceptional circumstances is defined within local policy LP2 as *“a matter for the decision maker to determine, but could be, for example, where the development delivers a community facility (see Policy LP15) substantially above and beyond what would ordinarily be required by Policy LP12 or LP15 (or any other policy in the Local Plan), and for which a clear need has been identified.”*

The proposed location of the housing would be immediately adjacent the developed footprint of the settlement of Welton but no justification for exceptional circumstances have been submitted with the application. The application does provide an area of open space for community use which would be above and beyond what would normally be required by policy LP12 of the CLLP for 6 five bedroom dwellings.

However it is considered that the site has previously has planning permission for public open space without permission for residential. It is not considered that residential development is a necessity in order for the applicant to tidy up the site – it is already within his control to do so. Therefore cannot be considered as exceptional in accordance with local policy LP2 of the CLLP.

Green Wedge

Local policy LP22 of the CLLP is clear in that *“Green Wedges, as identified on the Policies Map, have been identified to fulfil one or more of the following functions and policy aims:*

- *Prevention of the physical merging of settlements, preserving their separate identity, local character and historic character;*
- *Creation of a multi-functional ‘green lung’ to offer communities a direct and continuous link to the open countryside beyond the urban area;*
- *Provision of an accessible recreational resource, with both formal and informal opportunities, close to where people live, where public access is maximised without compromising the integrity of the Green Wedge;*
- *Conservation and enhancement of local wildlife and protection of links between wildlife sites to support wildlife corridors.”*

Local policy LP22 goes on to state that:

Within the Green Wedges planning permission will not be granted for any form of development, including changes of use, unless:

- a) it can be demonstrated that the development is not contrary or detrimental to the above functions and aims; or*
- b) it is essential for the proposed development to be located within the Green Wedge, and the benefits of which override the potential impact on the Green Wedge.*

Development proposals within a Green Wedge will be expected to have regard to:

- c) the need to retain the open and undeveloped character of the Green Wedge, physical separation between settlements, historic environment character and green infrastructure value;*
- d) the maintenance and enhancement of the network of footpaths, cycleways and bridleways, and their links to the countryside, to retain and enhance public access, where appropriate to the role and function of the Green Wedge;*
- e) opportunities to improve the quality and function of green infrastructure within the Green Wedge with regard to the Central Lincolnshire Green Infrastructure network and Biodiversity Opportunity Mapping.”*

Policy 11 of the DNP states that:

“Development that would detract from the purpose of the Green Wedge, which is to protect the open rural character of land between Welton and Dunholme and prevent the coalescence of the two settlements will not be supported.

Proposals to conserve, protect and/ or otherwise enhance the Green Wedge for the benefit of the communities, for leisure and recreation use and provision as a safe haven for wildlife will be strongly supported”.

Figure 36 of the Dunholme Character Assessment identifies the green gap between Dunholme and Welton.

Policy EN4 of the Welton Neighbourhood Plan has a similar policy to that of Dunholme. The site is not within the Welton Neighbourhood Area and it is not part of the statutory development plan for this site. Nonetheless, that Welton have policies to protect the settlement break is a material planning consideration.

The inspector in planning appeal APP/N2535/W/16/314351 (open space) considered the open space to be acceptable subject to a condition removing relevant permitted development rights as it would “*not result in any appreciable change to the undeveloped break*” or “*have an adverse impact upon the settlement break*”.

The inspector in planning appeal APP/N2535/W/16/3145353 (12 residential dwellings) commented on the narrowness (300 metres) of the settlement

break and the role the field plays in providing a critical distinction between the villages. The inspector in paragraph 15 stated that *“Should the proposed residential development proceed, it would extend the built form of Dunholme around 100m further south into the settlement break. Given the already narrow width of the break at this point, advancement of Dunholme’s built form to this degree, well beyond its well-established settlement edge, would result in a very significant reduction in the depth of the break.”*

The inspector concluded in paragraph 22 that the *“proposed residential development would have an adverse impact upon the undeveloped settlement break between Dunholme and Dunholme”*.

The Dunholme Parish Council and Welton Parish Council have both submitted support to the application with the Dunholme Parish Council stating it would constitute *“a significant improvement to the physical structure and surrounding area of Green Wedge. The inclusion of the Community Green Space future protects the integrity of the Green Wedge.”*

Objections to the harm on the green wedge have been submitted from local residents.

As already stated the application is split into two distinct areas of open space and residential units.

The area of open space would provide an open accessible recreational resource to the local people with an identified pedestrian walkway which links between two access points. The area would retain the open character of the green wedge whilst enhancing its biodiversity value by the introduction of new trees and wildflower meadows. The open space would retain a wildlife corridor link to the adjoining fields to the south and west.

The proposed residential development would protrude and reduce the green wedge by approximately 50 metres and would be approximately 190 metres long. The green wedge from the boundary with Dunholme Close and the boundary with Swan Close/Tennyson Drive is approximately 300 metres wide. The introduction of residential built form would be an inappropriate physical intrusion into the green wedge which would be highly visible to the users of the public rights of way. Users of footpath Dunh/169/1 would have to traverse between the development and existing housing – they would no longer be walking through and experiencing the green wedge. This is a matter which the Ramblers Association have noted in their representations.

The proposed development would therefore reduce the green wedge by 16.6% and introduce an inappropriate physical intrusion into this narrow green wedge. Whilst the proposed area of residential is half the amount refused and dismissed at appeal in planning application 133064 it would still be considered to significantly reduce the physical separation between the settlements by the introduction of dwellings and would harm the character and function of the green wedge.

Concluding Statement:

The proposed housing would be considered not to be located in an appropriate location for housing development. Whilst the area of open space is considered acceptable the development through the introduction of residential units would unacceptably harm the character and function of the green wedge and significantly reduce the narrow gap which divides the settlements.

The development would therefore not accord with local policy LP2 and LP22 of the CLLP, policy 1, 3 and 11 of the DNP and the provisions of the NPPF.

It is considered that policies LP2, LP22, 1, 3 and 11 are consistent with the sustainability, housing growth and green wedge guidance of the NPPF and can be attached full weight.

Affordable Housing

A material consideration is the latest version of the NPPF. Paragraph 64 of the NPPF states that *“provision of affordable housing should not be sought for residential developments that are not Major Developments”*. Major Development is defined in Annex 2 of the NPPF as *“For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more”*. On the triggering the requirement for Affordable Housing should the site area being over 0.5 hectares.

Local policy LP11 requires a contribution towards affordable housing on developments of 11 dwellings or more, or on development sites of less than 11 units if the total floor space of the proposed units exceed 1,000m². Criteria b (i) equates that to 25% (Lincoln Strategy Area (Excluding SUE's)) of the dwellings on site being affordable housing.

Criteria 2, policy 2 of the DNP states that *“Proposals should also, where possible, contribute to the provision of affordable housing as detailed within the most up-to-date Local Development Plan”*.

The Authorities Homes, Health and Wellbeing Team Manager confirms that the affordable housing contribution equate to 1.5 units and *“the current commuted sum for affordable housing in the Lincoln Strategy Area is £101,890 per dwelling which would mean that it would be a total of £152,835 commuted sum required on this site. The contribution would be required to be secured through a S106 with a preferred trigger of payment on completion of 50% of the dwellings on site.”*

No affordable housing contribution has been put forward or a heads of terms submitted. The development is therefore not in accordance with the affordable housing contribution required by local policy LP11 of the CLLP, draft local policy S21 of the DCLLP, policy 2 of the DNP and the provisions of the NPPF.

It is considered that policy LP11 and policy 2 are not wholly consistent with the affordable housing for major developments guidance of the NPPF and can be attached some weight.

Developer Contributions

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

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

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

National Health Service (NHS):

The NHS has not requested a financial contribution.

LCC Education:

LCC Education has not requested a financial contribution.

Open Space:

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

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

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

Policy 6 of the DNP states that *"Proposals to enhance or provide new public open space within new developments will be supported in principle subject to their location and designation."*

Appendix C of the CLLP provides the standards required for category 4 settlements in the hierarchy of local policy LP2. It declares that the local usable greenspace should be at a level of 1.5 hectares per 1000 population.

It is preferred that the greenspace is provided on site but if not feasible then an offsite contribution to improve existing facilities will be considered.

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

Open Space Type	Accessibility Standards	Quality Standard
Amenity Green space over 0.2 hectare	Local (LAP) - 400m or 5 minute walk	Good and above as defined by Green Flag standards or any locally agreed quality criteria.
Formal Equipped Play areas	Local Equipped Area of Play (LEAP) - 400m or 5 minute walk Neighbourhood Equipped Area of Play (NEAP) - 1200m or 15 minute walk	Good and above as defined by Fields in Trust standards and/or any locally agreed quality criteria.
Playing Field provision	Local provision - 1200m or 15 minute walk Strategic provision - 15km distance or 15 minute drive	Good and above as defined by sport England Governing body standards or locally agreed quality criteria.

According to The Fields in Trust website ¹(FIT) (previously the National Playing Fields Association (NPFA)) *standards have 3 categories of equipped play areas. These are local areas for play (LAP), local equipped area for play (LEAP) and neighbourhood equipped area for play (NEAP). The main characteristics of each category are:*

LAP (Local Area for Play)

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

LEAP (Local Equipped Area for Play)

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

NEAP (Neighbourhood Equipped Area for Play)

¹ <http://www.softsurfaces.co.uk/blog/playground-surfacing/lap-leap-neap-play-area/>

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

Manor Park Sports Ground, Welton is an approximate 1200m walk from the site. Manor Park Sports Ground is accessible on foot via lit public footpaths and comprises the following facilities:

- Large pavilion (includes a library)
- Large car park
- Full and junior sized football pitches
- Enclosed Artificial pitch
- Enclosed Crown Bowling Green
- Skate Park
- Fully fenced young children's play area
 - 3 springy rides*
 - 1 climbing frame*
 - 1 toddler climbing/slide combination*
 - 2 young child swing*
 - 1 toddler swing*

The Welton Sports and Social Club is an approximate 800m walk from the site and comprises the following facilities:

- Social club
- Modest car park
- Football pitch (no goals)
- Grass space
- 1 Older and 1 younger climbing frame
- 3 older children swings
- 2 toddler swings
- 4 springy rides
- 1 toddler slide
- 1 toddler roundabout
- 6 benches
- 3/4 bins

The Dunholme Village Hall is an approximate 900m walk from the site and comprises the following facilities:

- Enclosed Crown Bowling Green
- Indoor Bowling Facility
- Tennis Courts
- Grassed recreational area

In light of the facilities listed above Manor Park Sports Ground, Welton Sports and Social Club and Dunholme Village Hall are considered to be a Neighbourhood Equipped Area for Play (NEAP).

When compared against the standards table in appendix C Manor Park Sports Ground, Welton Sports and Social Ground and Dunholme Village Hall are within the 1200m or 15 minute walk limit for a NEAP. The open space on the site would provide a LAP within 400 metres. There would not be a LEAP within 400 metres but these are available with adult supervision via lit public footpaths.

The presence of a Public Rights of Way adjacent the north boundary would provide a further close useful mode of outdoor exercise to the residents and provide public access to walks within the open countryside. The presence of the Public Rights of Way is a bonus to the potential future residents and would provide an added benefit.

Site layout plan Idc-3047-PL-02_A dated 18th January 2022 identifies an area of public open space measuring approximately 30,000m² but this is for walking and not intended for an area of play for younger or older children.

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

In this case the open space figure can be calculated as the application is a full application including elevation and floor plans. The development would comprise:

6 x 5 bedroom dwellings (average 3.1 people)

Therefore the amount of people that on average would populate the development and increase the population of Dunholme by 19 (18.6) people.

To derive at the amount of public open space the development should deliver it is necessary to calculate the proposed population increase against the amount of greenspace the development should deliver (preferably on site):

$19 \text{ (average people per dwelling)} / 1000 \text{ population} \times 1.5 \text{ hectares} = 0.0285 \text{ hectares or } 285\text{m}^2$

Therefore although the open space is not specifically for younger and older children play the open space proposed on the site plan is well in excess of the required 285m².

The development would provide a large area of public open space and would be located within acceptable walking distances of existing open space facilities with good quality play equipment (NEAP) in the village but would not be within 400 metres of a LEAP or LAT but these are accessible by lit pedestrian footpaths.

Therefore cumulatively the development particularly with the large area of open space would accord with local policy LP9 and LP24 of the CLLP, draft policy S50 and S53 of the DCLLPR and the provisions of the NPPF.

No details have been submitted in relation to the Maintenance and management of this large area of public open space. This would need to be secured in a signed and certified S106 Legal Agreement.

It is considered that policies LP9 and LP24 are consistent with the public open space and health guidance of the NPPF and can be attached full weight.

Design

Objections have been received from residents in relation to the dwellings not being in keeping with the surrounding area.

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

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

LP18 states that development proposals will be considered more favourably if the scheme would make a positive and significant contribution towards one or more of the following (which are listed in order of preference):

- Reducing demand
- Resource efficiency
- Energy production
- Carbon off-setting

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

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

Policy 4 (Design Principles) of the DNP sets out that development should recognise and reinforce *“the distinct local character in relation to height, scale, spacing, layout, orientation, design, and materials of buildings”*.

The application does not include any specific external materials for the dwellings and garages but the application suggests stone (Lincolnshire Limestone) walls, green sedum roofs and PPC Aluminium windows and

doors. The six dwellings would therefore appear to be constructed the same materials. This would give the development a uniformed material appearance. If it was minded to approve the application it would be considered necessary and reasonable to recommend that all external materials can be conditioned on the permission.

The two storey detached dwellings with attached garages would be identical in scale, design and appearance measuring approximately:

Height: 5.3 to 8.2 metres

Width: 21.8 metres

Length: 13.5 metres

The proposed dwellings would be contemporary in style and positioned in a linear format to the north/north west section of the site. The design and access statement states that *“the dwellings design has been informed by two key design objectives:*

1. Concealing the dwellings from the eastern viewpoint.
2. Low energy and sustainable, passive solar design with renewable energy technology.

The sustainable concept of the design and use of renewable technology is considered a positive trait of the proposed development.

The dwelling adjacent to the north/north west are a mix of scales, designs and materials including bungalows, dormer bungalows and two storey dwellings. The proposed dwellings do not apart from their two storey height relate to the surrounding built form to the north. The dwellings have been designed with sedum roofs and grass bank screening to assimilate them into the green wedge and screen them from the east and south.

The density of the development is low and lower than the density of the surrounding dwellings with generous plots sizes and garden spaces.

Whilst the sustainable nature of the residential development is acknowledged as a positive it is considered that the contemporary appearance of the dwellings would not relate well to the surrounding area and the settlement edge of Dunholme in relation to siting, height, scale, massing, form and plot widths. The development would therefore not accord to local policy LP17 and LP26 of the CLLP, policy D4 of the DNP, draft policy LP52 of the DCLLP and the provisions of the NPPF.

Whilst it is noted that green design credentials are supported by LP18, this does not overcome the policy conflicts identified above.

It is considered that policy LP17, LP26 and policy D4 are consistent with the design, character and visual amenity guidance of the NPPF and can be attached full weight.

Residential Amenity

Objections have been received in relation to residential amenity concerns.

Local 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.”*

The proposed development is of a low density and the dwellings would be at least 20 metres from the north/north west boundary of the site meaning more than sufficient separation to dwellings off Dunholme Close and Roselea Avenue. The proposed dwellings have also been positioned to enable adequate separation from each other and to enable each dwelling has acceptable private garden space.

The development would therefore not be expected to harm the living conditions of the existing neighbouring dwellings or the living conditions of the future residents.

Therefore overall the development would not be expected to harm the living conditions of the existing or future residents and would accord with local policy LP26 of the CLLP, draft policy LP52 of the DCLLPR and the provisions of the NPPF.

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

Highway Safety

Objections have been received in relation to the increase in traffic this development will generate.

Local 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 would be supported.”*

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

The proposed development would have one new vehicular access points off Dunholme Close. Each 5 bedroom dwelling would be served by adequate off street parking provision. There is limited turning spaces provided however the development is a small cul-de-sac and is not a through road. Therefore off street provision is acceptable and would not be expected to harm highway safety.

The Highways Officer has recommended a footpath condition is attached to any permission to connect the development to the existing footway network. The existing footway network is on the opposite side of the sites vehicular access along Dunholme Close. The residents would be able to walk along

the private drive which would serve the dwellings and have modest traffic movement. Once at the access to the private drive any future residents would be able to cross Dunholme Close onto a footway which would provide access by foot to Dunholme and Welton. Dunholme Close is again a small cul-de-sac with modest traffic generation. Whilst the recommendation of the Highways Officer is acknowledged it is considered that it would not be reasonable or necessary to condition a footway to connect the site to Roselea Avenue. If it was minded to approve the application then the condition would not be fundamental or necessary to the acceptability of the development.

The Highways Authority at Lincolnshire County Council have no other objections on highway safety grounds subject to the condition recommended above.

Therefore it is considered that the recommended condition is unnecessary and the development would not have a severe harmful highway safety impact and would accord with local policy LP13 and LP26 of the CLLP, S46 and S48 of the DCLLP and the provisions of the NPPF.

It is considered that policy LP13 and LP26 are consistent with the Highway Safety guidance of the NPPF and can be attached full weight.

Drainage

No objections have been received in relation to drainage but comments have been received in relation to the site regularly flooding.

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

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.”*

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

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

Particular types of sustainable drainage systems may not be practicable in all locations. It could be helpful therefore for local planning authorities to set out those local situations where they anticipate particular sustainable drainage systems not being appropriate.”

Criteria f of the flood risk section of local policy LP14 of the CLLP requires that *“they have incorporated Sustainable Drainage Systems (SuDS) in to the proposals unless they can be shown to be impractical.”*

Criteria m of the protecting the water environment section of local policy LP14 of the CLLP requires that *“that adequate foul water treatment and disposal already exists or can be provided in time to serve the development”*.

Policy 14 of the DNP requires that *“water and waste developers will be required to demonstrate that there is adequate wastewater and water supply capacity or that it can be made available, both on and off the site to serve the development and that it would not lead to problems for existing or new users.”*

The application has not included a drainage strategy. The application form states that foul water will be disposed of to the mains sewer and surface water to a sustainable urban drainage system. The disposal of foul water to the mains is acceptable but the exact method of surface water drainage is not specified although the site plan indicates the use of swales. The use of a sustainable urban drainage system is encouraged.

The IDB have recognised that the proposed method of surface water drainage is not specified and have provided advice including a condition.

The proposed use of a Sustainable Urban Drainage system for surface water is acceptable as is connection to the foul sewer for foul water. It is however still considered relevant and necessary to condition comprehensive drainage details on the permission.

Therefore subject to a condition the development is considered to accord with policy LP14 of the CLLP, policy 14 of the DNP, draft policy S20 of the DCLLP and the provisions of the NPPF.

It is considered that policy LP14 and Policy 14 are consistent with the drainage guidance of the NPPF and can be attached full weight.

Archaeology

The application has included an Archaeological Evaluation Report dated January 2014 by Pre-construct Archaeological Services Ltd and an Archaeological Geophysical Survey dated January 2013 by Pre-Construct Geophysics Ltd.

In summary the Historic Environment Officer at Lincolnshire County Council has no objection with advice and recommended conditions:

- The approach to preserve in situ areas of archaeological interest is present and a condition is required to fence them during construction via fencing and signs.
- The developer is encouraged to include a fixed interpretation board within the public open space which explains the significance of the Iron Age

settlement, and how these ancient people lived sustainably within the landscape.

- It is recommended that area of dwellings requires a Scheme of Archaeological Works to be secured by condition

It is considered that the two conditions proposed are relevant and necessary and if minded to approve the application would be attached to the permission. The recommendation to install fixed interpretations boards are acknowledged and would be a welcomed inclusion with the application. However the interpretation board(s) would not be considered fundamental or necessary to approve the planning application. Therefore if it was minded to approve the application the interpretation board would be added as an advisory note.

The development would therefore subject to conditions not harm any items of archaeological interest. The development accords with policy LP25 of the CLLP, draft policy S56 of the DCLLP and the provisions of the NPPF.

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

Biodiversity

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

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

Policy EN1 of the WNP protects biodiversity and encourages net biodiversity gain where possible.

Guidance contained within paragraph 174 and 179 of the NPPF encourages the protection and enhancement of protected species (fauna and flora) and providing net biodiversity gains.

Protected Species:

The application has included an Extended Phase 1 Survey (EPS) by Landscape Science Consultancy dated May 2013. The EPS is 9 years old therefore is out of date and cannot be accepted as part of the determination of this application.

The application site includes trees and hedging within and on the boundaries of the site. The site has large areas of overgrown grass and to the west is connection to the open countryside. The site therefore requires an up to date ecology survey prior to determination of the application. The lack of sufficient ecological information by a professionally qualified person is a reason for refusal in itself.

Therefore the development due to the lack of an up to date ecology survey would not accord to local policy LP21 of the CLLP, local policies S59, S60 and S65 of the DCLLP and the provisions of the National Planning Policy Framework.

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

Landscaping

Paragraph 131 of the NPPF states that *“trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.”*

The Site layout plan Idc-3047-PL-02_A dated 18th January 2022 provides limited landscaping information as eluded to by the Authority's Tree and Landscape Officer. The position of trees, grassbanks, walkway etc. are identified on the plan but details of planting including species and construction materials are not provided.

The inspector in appeal APP/N2535/W/16/314351 (open space) stated that *“Turning to the proposed change of use to public open space, the Council's concerns in this regard centre on the potential impacts of the paraphernalia (e.g. bins, benches, signage, play equipment) usually associated with public open space, which, it argues, would contribute to the sense of diminution of an undeveloped break between the villages. As discussed at the Hearing, however, this could be addressed by a condition removing relevant permitted development rights. As such, the principle of a change of use would be acceptable, subject to an appropriate landscaping and management plan for the site, and would not result in any appreciable change to the undeveloped break.”*

In response to this the inspector added the following condition for the allowed areas of open space:

5. *Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no structures or equipment shall be erected on the site under or in accordance with Class A of Part 12 to that Order.*

If it was minded to approve the application then a similar condition would be considered reasonable and necessary to add to the permission to protect the green wedge.

As further details are required it is considered that a comprehensive landscaping plan and management scheme is addressed through a condition on the permission.

The proposal would be expected to accord with local policy LP17 and LP26 of the CLLP, draft policy S52 of the DCLLP and guidance contained within the NPPF.

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

Contamination

Local policy LP16 of the CLLP states that *“Development proposals must take into account the potential environmental impacts on people, biodiversity, buildings, land, air and water arising from the development itself and any former use of the site, including, in particular, adverse effects arising from pollution.”*

Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.

The application is considered a potential low risk for contaminated land from suspected waste contraventions and contamination of imported soil. The Authority's Environmental Protection Officer has no objection subject to a comprehensive contamination condition being attached if approval is recommended.

Therefore if it was minded to approve the development it would subject to a condition and would be expected to accord to local policy LP16 of the CLLP, local policies S55 of the DCLLP and the provisions of the National Planning Policy Framework.

It is considered that policy LP16 is consistent with the contamination guidance of the NPPF and can be attached full weight

Other Considerations:

Public Rights of Way

The proposed development would not obstruct or unacceptably harm the enjoyment of using the public right of way which is already enclosed by high fencing on its south boundary

Construction Management Plan

Given the proximity of neighbouring dwellings and the temporary disturbance caused by the development it is considered necessary and reasonable to add a construction management plan condition to the permission to reduce and control the extent of the disturbance.

Community Infrastructure Levy (CIL)

The development is liable to a CIL payment at £25 per square metre of floor space created.

Building Regulation M4(2) Compliance

Local policy LP10 of the CLLP states that *“more specifically, to cater for the needs of less mobile occupants, including older people and disabled people, and to deliver dwellings which are capable of meeting peoples’ changing circumstances over their lifetime, proposals for 6 or more dwellings (or 4 or more dwellings in small villages) must deliver housing which meets the higher access standards of Part M Building Regulations (Access to and use of buildings) by delivering 30% of dwellings to M4(2) of the Building Regulations”*

No information has been submitted to demonstrate compliance with meeting the M4(2) standard. The 30% requirement equates 2 of the 6 dwellings meeting the standard required by local policy LP10.

Therefore if it was minded to approve the development it would subject to a condition and would be expected to accord to local policy LP16 of the CLLP, local policies S55 of the DCLLPR and the provisions of the National Planning Policy Framework.

Conclusion and Reasons for decision:

The decision has been considered against policies LP1 A presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Growth in Villages, LP3 Level and Distribution of Growth, LP10 Meeting Accommodation Needs, LP11 Affordable Housing, LP12 Infrastructure to Support Growth, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP16 Development on Land Affected by Contamination, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP22 Green Wedge, LP24 Creation of New Open Space, Sports and Recreation Facilities, LP25 The Historic Environment, LP26 Design and Amenity and LP52 Residential Allocations – Large Villages of the Central Lincolnshire Local Plan 2012-2036, Policy 1 General Housing Growth, Policy 2 Housing Type and Mix, Policy 4 Design Principles, Policy 6 Public Recreational Open Space, Policy 7 Green Infrastructure, Policy 10 Landscape Character, Policy 11 Settlement Breaks, Policy 13 Reducing Flood Risk and Policy 14 Water and Waste of the Dunholme Neighbourhood Plan and draft policy 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, S21 Affordable Housing, S22 Meeting Accommodation Needs, S44 Strategic Infrastructure Requirements, S46 Accessibility and Transport, S47 Walking and Cycling Routes, S48 Parking Provision, S50 Creation of New Open Space, Sports and Leisure Facilities, S52 Design and Amenity,

S55 Development on Land Affected by Contamination, S56 The Historic Environment, S59 Protecting Biodiversity and Geodiversity, S60 Biodiversity Opportunity and Delivering Measurable Net Gains, S62 Green Wedges and S65 Trees, Woodland and Hedgerows of the Draft Central Lincolnshire Local Plan Review in the first instance. Furthermore consideration has been given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Model Code. In light of this assessment the development is refused for the following reasons:

1. The residential units would be located outside the developed footprint of Dunholme and Welton and the site would be considered an inappropriate location for residential development as it would not retain the core shape and form of the settlement and would have a significant impact on the character and appearance of the settlement and its rural setting. The development would therefore not accord with local policy LP2 of the CLLP, policy 1 and 3 of the DNP and the provisions of the NPPF.
2. The proposed residential units would introduce an unacceptable harmful development into the green wedge and would significantly reduce the narrow gap that exists between Dunholme and Dunholme Close, Welton. The introduction of large built structures would unacceptably harm the open and undeveloped character of the green wedge. It would therefore be contrary to the functions and aims of the green wedge, and is not considered to amount to development that is essential to be located within the green wedge. The development would therefore not accord with local policy LP22 of the CLLP, policy 11 of the DNP and the provisions of the NPPF.
3. It is considered that the appearance of the dwellings would not relate well to the surrounding area and the settlement edge of Welton in relation to siting, height, scale, massing, form and plot widths. The development would therefore not accord to local policy LP17 and LP26 of the CLLP, policy D4 of the DNP and the provisions of the NPPF.
4. The application has included an out of date ecology survey therefore insufficient information has been submitted to determine the impact of the development on protected species. The development would therefore not accord to local policy LP21 of the CLLP and the provisions of the NPPF.
5. No affordable housing contribution has been obligated through the creation of a section 106 Legal Agreement. The development would therefore not be in accordance with local policy LP11 of the CLLP, policy 2 of the DNP and the provisions of the NPPF.
6. No details have been submitted to obligate the Maintenance and management of the area of public open space through the creation of a section 106 Legal Agreement. The development would therefore not be in accordance with local policy LP24 of the CLLP and the provisions of 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

Representors to be notified -

(highlight requirements):

Standard Letter ☐

Special Letter ☐

Draft enclosed ☐

Prepared by: Ian Elliott

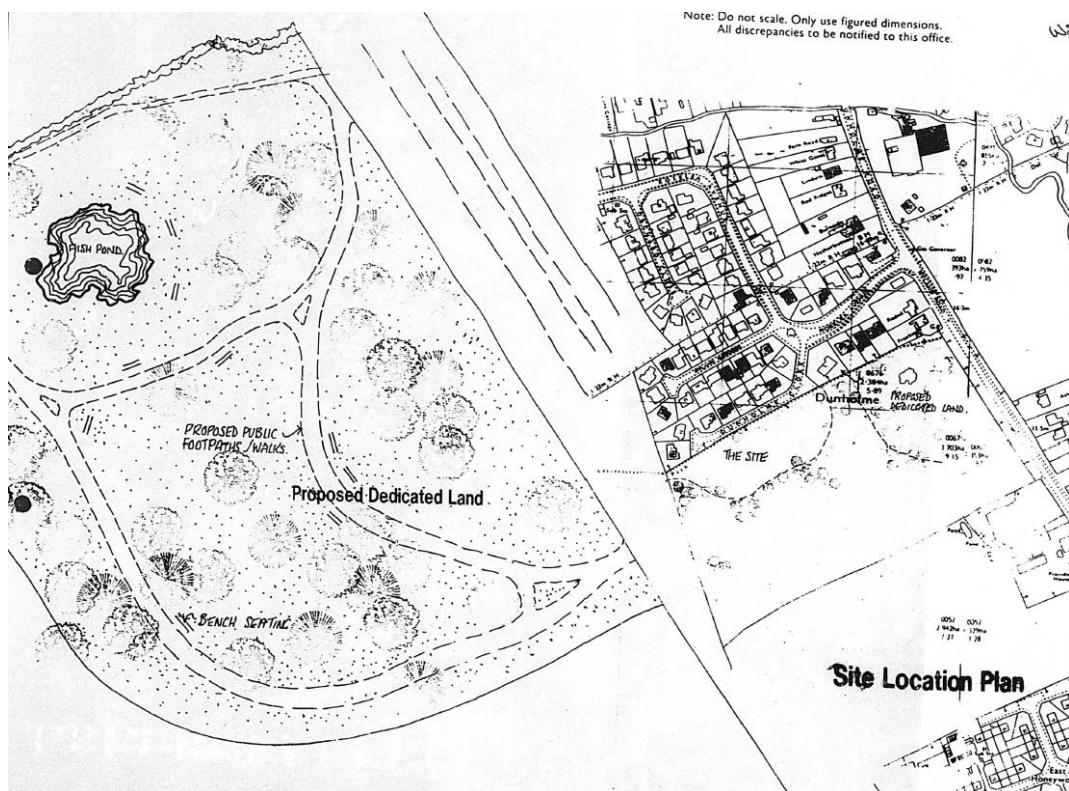
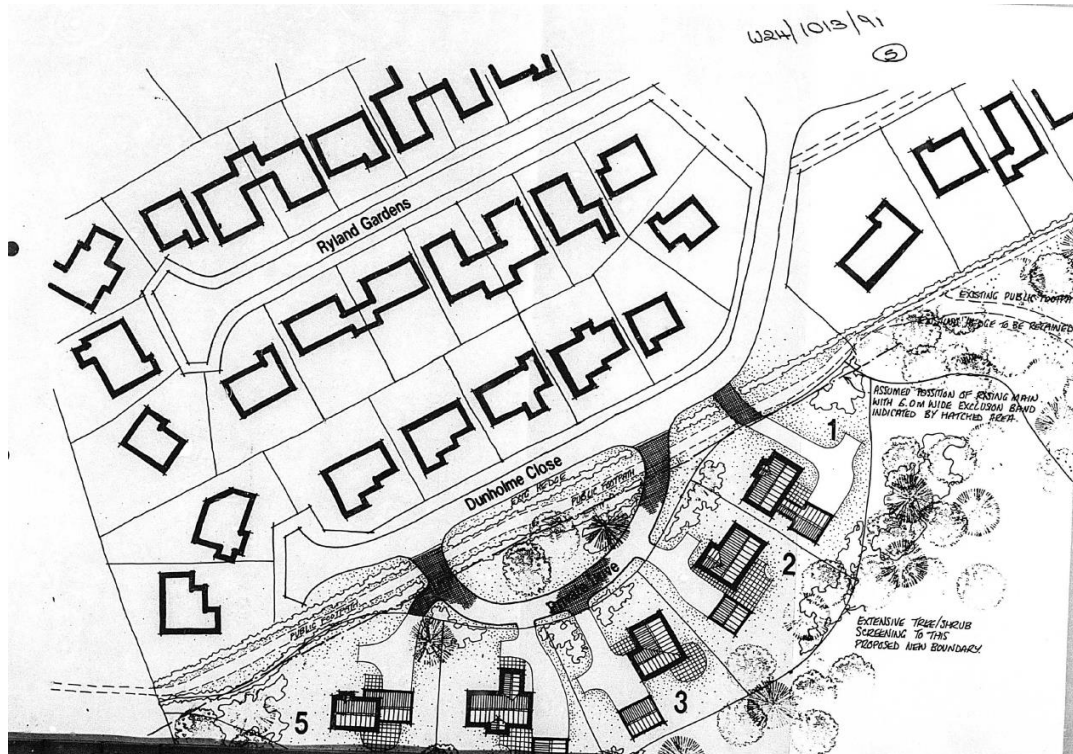
Date: 18th May 2022

Please see Appendix A, B, C and D below

Appendix A

W24/1013/91 – Outline to erect 5 dwellings. Refused and Appeal (APP/N2535/A/92/210669/P2) dismissed 20th October 1992 (Development would intrude into attractive gap reducing separation of two Settlements)

Site Plans:



Appeal Decision:



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

Room 1404
Tollgate House
Houlton Street
Bristol BS2 9DJ

WEST LINDSEY
DISTRICT COUNCIL

21 OCT 1992

Direct Line
Switchboard
Fax No
GPN

0272-218927
0272-218811
0272-218769
1374

Mike Hardy
'Premier House'
15 Wheeler Gate
NOTTINGHAM
NG1 2HH

3703

Our Ref:
APP/N2535/A/92/210669/P2

Date: 20 OCT 92

Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPEAL BY: MR C T PICKERING
APPLICATION NO: W24/1013/91

1. I have been appointed by the Secretary of State for the Environment to determine this appeal against the decision of the West Lindsey District Council to refuse outline planning permission for the erection of 5 no. detached dwellings on land south of Dunholme Close, Dunholme, Lincoln. I have considered the written representations made by you and by the Council. I have also considered those made by Welton and Dunholme Parish Councils and interested persons, including those made directly to the Council and forwarded to me. I inspected the site on 12 October 1992.
2. Although the application is in outline I note that it is intended that siting, means of access and landscaping should be considered. I have, therefore determined the appeal on this basis.
3. From the representations I have received and my inspection of the site and its surroundings I consider there is just one main issue in this case. This is whether the proposed development would unacceptably reduce the existing gap between the villages of Welton and Dunholme contrary to local planning policies.
4. Policies 7A and 97 of the Lincolnshire Structure Plan seek to restrict development in the open countryside, subject to certain exceptions. Policies S/H5 and S/C1 of the West Lindsey Southern Area Plan (WLSAP) have similar objectives. In particular they seek to restrict residential development outside defined development limits. The site lies outside the development limits defined for both Welton and Dunholme. As the Local Plan has only been very recently adopted and is in conformity with the Structure Plan I attach considerable weight to these limits. I am satisfied, therefore, the site should be treated as open countryside, particularly in view of its rural character. As the proposal does not come within any of the identified exceptions I find the scheme to be contrary to local planning policies.

5. Although the appeal site lies within Dunholme parish the development would actually abut the southern edge of the built up area of Welton. The site falls in the attractive gap between the two villages which is under one hundred metres wide, at its narrowest point. In my opinion the development would intrude into this gap, reducing the separation between the two settlements. In view of the narrow width of the gap I consider this would be unacceptable. I am also concerned that it might set a precedent for further proposals which could ultimately lead to the coalescence of the settlements. I find, therefore, it would cause demonstrable harm.
6. I have carefully considered whether any of the other considerations you mention are sufficient to outweigh this harm. I do not believe any benefit gained from the "finishing off" of Dunholme Close or the sealing of a "vulnerable access gap" is sufficient to justify the proposal. While there would still be open land between Welton and Dunholme this does not alter my concern about narrowing the gap between the settlements. Neither do I find the set back from Ryland Road sufficient to override the objections I have identified.
7. I acknowledge that landscaping may reduce the visual impact, and that it could also soften the appearance of the houses in Dunholme Close, but it would be many years before any screening would be effective. Moreover, no amount of landscaping would overcome the fact that the development would reduce the remaining gap between the two settlements.
8. In view of the Parish Council's decision to decline your client's offer to dedicate land alongside Ryland Road, and the lack of any formal agreement, I am not satisfied there is any certainty of this land being made available to the public. I am not persuaded your client's proposed agricultural use of the land justifies allowing an otherwise unacceptable development. In any case I doubt that your client could erect buildings for intensive livestock purposes without further planning permission. Finally I have noted your arguments about the need for good quality four bedrooomed houses in the area but find no objective evidence to support this assertion.
9. In conclusion I am not satisfied any of the points you raise are sufficient to outweigh the harm arising from this scheme. I have taken into account all other matters raised but find none justify altering my findings on the main issue.
10. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

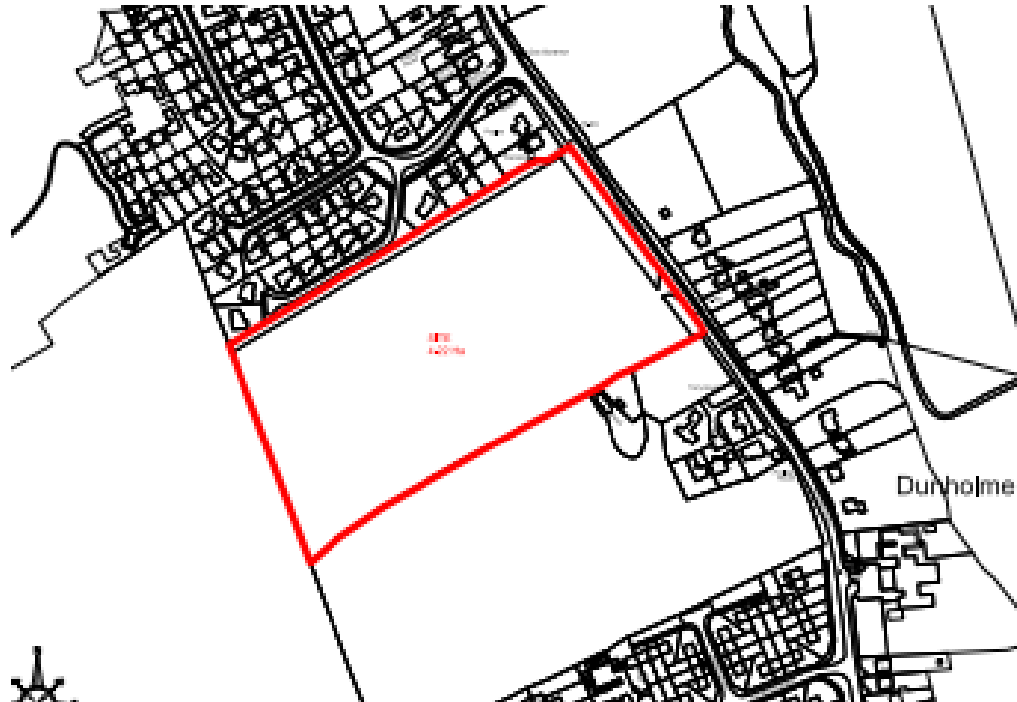
I am Sir
Your obedient Servant

Peter F Burley

P F BURLEY MA(Oxon) BPhil DipTP ALI
Inspector

130168 - Outline planning application for erection of 74no. Dwellings-including 30no. affordable units-with associated access arrangements and open space provision-access to be considered and not reserved for subsequent applications - 20/09/13 – Refused – Appeal Dismissed 27/06/14 (APP/N2535/A/13/2207053)

Location Plan:



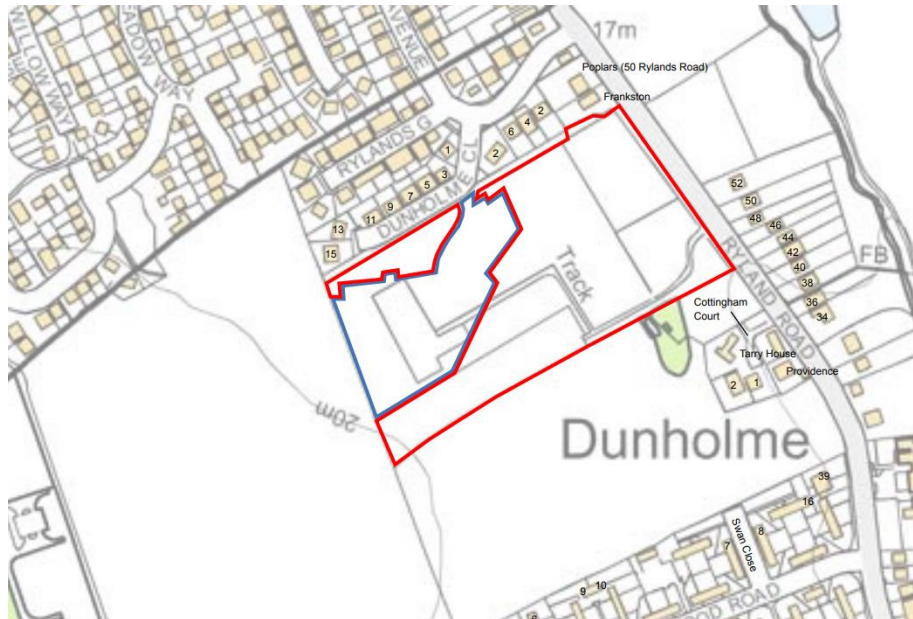
Illustrative Masterplan:



Appendix C (see separate pdf copy of appeal decision)

132426 - Planning application for change of use from agricultural land to public open space – 27/08/15 – Refused – Appeal Allowed 14/06/16 (APP/N2535/W/16/314351)

Location Plan:



Illustrative Masterplan:



Appendix D (see separate pdf copy of appeal decision)

133064 - Outline planning application for the erection of 12no. dwellings-
access to be considered and not reserved for subsequent applications-
resubmission of 132425 – 27/08/15 – Refused – Appeal Dismissed 14/06/16
(APP/N2535/W/16/3145353)

Location Plan:



Illustrative Masterplan:



Appeal Decision

Inquiry held on 25, 26 and 27 March 2014

Site visit made on 27 March 2014

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 27 June 2014

Appeal Ref: APP/N2535/A/13/2207053

Land west of Ryland Road, Dunholme, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Charles Pickering against the decision of West Lindsey District Council.
 - The application Ref 130168, dated 26 June 2013, was refused by notice dated 20 September 2013.
 - The development proposed is the erection of 74 dwellings (including 30 affordable units) with associated access arrangements and open space provision.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application that has given rise to this appeal was submitted in outline form, with only the principle of development and the means of access to the site for full approval at this stage. Other matters, including the layout and landscaping of the site and the scale and appearance of development were 'reserved' for later approval by the Council.
3. However, the application was supported by an 'Illustrative Masterplan'¹ that shows how the 74 dwellings for which permission is sought might be laid out on the site. An updated version of this layout² was submitted in evidence to the Inquiry, together with some photomontages giving an indication of the possible appearance of the proposed development.
4. The appeal is accompanied by a Statement of Common Ground ('SoCG') which sets out a description of the site, its planning history, and the policy context for consideration of the appeal proposal, including the Government guidance of the National Planning Policy Framework ('NPPF'). Matters not in dispute between the appellant and the Council are identified.
5. The SoCG also includes heads of terms for a planning obligation under S106 of the Town and Country Planning Act 1990. A copy of a draft obligation, in the form of a planning agreement between the Council, Lincolnshire County Council and the landowners, was submitted before the Inquiry. Following discussion at

¹ Plan Ref 130620-3

² Evidence of Brian Duckett: Plan Ref 714.1/10A HDA6

the Inquiry, a copy of a completed amended agreement was provided before the Inquiry closed. The agreement sets out covenants in respect of the provision and management of affordable housing on the site, a contribution towards education provision, the implementation of highway and footpath improvements, and the provision and management of on-site open space. The merits of the obligation are considered later in this decision.

6. Since the appeal was submitted, the Government has published new planning practice guidance, and much former guidance has been cancelled. The parties were given the opportunity at the Inquiry to draw upon any relevant aspects of the new guidance.
7. After the close of the Inquiry, the appellant drew attention to a recently issued decision by the Secretary of State on appeals for housing development and associated open space at a site in Rothley, Leicestershire³. As the decision appeared to be relevant to the current appeal, written submissions on the matter were invited and were subsequently received from both main parties. These submissions and the decision itself have been taken into account in the determination of this appeal.

Proposal

8. The appeal site comprises a field of some 4.22ha in area that is no longer in active agricultural use. The field has a frontage to Ryland Road, which links the neighbouring villages of Dunholme and Welton. The space between the villages is narrow at this point. The appeal site adjoins the southernmost projection of the built-up area of Welton, which is the larger of the two villages. This projection, like the appeal site and the remainder of the gap between the villages, actually lies within the parish boundary of Dunholme. A public footpath runs from Ryland Road along the northern edge of the site, next to the built-up area, and carries on to the west.
9. Permission is sought to erect 74 houses, of which 30 (40%) would be reserved for affordable occupation. The Design and Access Statement ('DAS') that accompanied the application indicates that the majority of the houses should be two-storey, with a small number of three-storey and single-storey units. The illustrative plan proposes that the houses would be set back from Ryland Road behind an open space, described as a 'village green' open to residents of both villages. Access would be taken at the south-eastern corner of the site, where there would be a small car park available for use in connection with the open space and the nearby primary school. The intended highway improvements would include a new footway along the site frontage, linked to a crossing of Ryland Road.

Main Issue

10. It was agreed at the Inquiry that the main issue in the appeal is whether the proposal would amount to a sustainable form of development in accordance with national and local policy, having particular regard to the effect on the gap between Dunholme and Welton.

³ Appeals Ref APP/X2410/A/13/2196928 & 2196829 Land off Mountsorrel Lane, Rothley, Leicestershire

Reasons

11. For the purposes of this appeal, the development plan comprises the saved policies of the West Lindsey Local Plan First Review ('LP') adopted in 2006. Work was well advanced on the preparation of a new-style plan, with the Central Lincolnshire Local Plan Core Strategy having been submitted to the Secretary of State for examination in October 2013. The subsequent withdrawal of that draft document in January 2014 means that little or no weight can be attached to its provisions. The Council has instead embarked on the preparation of a district-wide Local Plan, to include site allocations, but this is at too early a stage to influence the current appeal.
12. Initial public consultation has taken place on a Dunholme Parish Council Neighbourhood Plan, which would ultimately form part of the development plan. The Neighbourhood Plan is also at too early a stage to be given significant weight in the determination of the appeal. Welton Parish Council intends to adopt a Neighbourhood Plan. An existing Parish Plan has been rolled forward to cover the period from 2010-2015, but very limited weight can be given to this document, which does not have statutory force as part of the development plan and does not in any event cover the appeal site.
13. The planning application was refused because of conflict with saved LP Policy STRAT 13, which seeks to protect the open rural character of undeveloped gaps between settlements. The site lies outside the development boundaries of the two villages, within the area allocated for protection under this policy. Statutory duty requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise⁴. Should the proposed development for housing be contrary to the LP it should be refused unless material considerations are found to outweigh the conflict with the plan.

Compliance with development plan

14. The conclusion of the appellant's case rests on two alternative propositions. The first of these is that the proposal would meet the aims of Policy STRAT 13 and hence would accord with the development plan. Paragraph 14 of the NPPF states a presumption in favour of sustainable development and advises that proposals that accord with the development plan should be approved without delay.
15. The aims of the policy are to maintain undeveloped land between neighbouring villages that provides open breaks, maintains the physical identity or prevents the coalescence of settlements. The policy justification refers to the importance of such land to the character of the individual settlements and their setting, its role in providing access to the countryside and its value for nature conservation.
16. As the appellant's analysis shows, the area between Dunholme and Welton protected by the STRAT 13 designation forms a discrete part of a much wider landscape setting of the two villages. This relatively small area comprises one very large arable field, immediately to the west of the appeal site, several smaller fields, of which the appeal site is one, a playing field and a patch of woodland. The appeal site thus represents a not inconsiderable proportion of

⁴ Planning and Compulsory Purchase Act 2004 s38(6)

the protected land. Its loss to development would significantly reduce the area of the gap between the villages.

17. Development of the site would also be significant in visual terms, and to the perception of a break between settlements. Ryland Road provides the main link between the two villages, and along which the experience of leaving one place and entering another most commonly happens. The site is located at a critical point immediately adjoining the built-up area of Welton. Its open character can be clearly perceived from Ryland Road, particularly with the recent removal of some trees. The landscape here is relatively small scale, as assessed by the appellant, without expansive links to the wider landscape beyond the villages. Nevertheless, the lack of indication of development further to the west of the field reinforces the perception of an important open break.
18. The appeal site is not of high quality in landscape terms and it does not provide a memorable gateway feature, but its openness provides the contrast with the existing development to define the village edge and maintain the settlement's rural context. The critical factor is the absence of a developed frontage to Ryland Road. It is particularly important that the undeveloped frontage is here reflected by the small field on the east side of Ryland Road. The two fields are not entirely opposite one another, so that the extent of the space they offer does not coincide. But the absence of built development to both sides of the road and the ability to perceive the open land beyond provides a critical clear break between the two villages.
19. Further to the south, the northern edge of Dunholme has been allowed over time to extend outwards into the gap, with a ribbon of residential development on the east side of the road and the more isolated enclave at Cottingham Court on the west side. There remains a clear perception of being outside the village core, but the setting is more difficult to appreciate, despite glimpsed views of fields to the east and the impression of open land to the west. The appeal site and the field opposite provide a better expression of the gap from Ryland Road.
20. Important perception of the gap is also gained from Footpath 169 along the appeal site's northern boundary. The role of the appeal site and the field to the south as a buffer to the northern limit of Dunholme can be readily appreciated. This path allows access to the countryside at the village edge, which LP Policy STRAT 13 seeks to protect. Further to the west, the appeal site and the adjoining field add depth to views from Footpath 785 across the large arable field, and define the extent to the clear gap between the settlements.
21. Should the proposed development proceed, Footpath 169 would be contained by residential development on both sides, other than a short length near Rylands Road. Its value as an accessible outlet to space at the village edge would be greatly reduced. The new houses would be clearly visible from Footpath 785, even with mature edge planting, and would reduce by half the gap between the built edges of the villages.
22. The change from open land to developed housing area would be clearly discernible from Ryland Road. The extent of the open gap between settlements would be significantly reduced.
23. The appellant considers that an acceptable gap would be retained by leaving adequate space between buildings. This would rely on the setting back of the built development behind the proposed green space. Although the Council

objects that layout is not for decision at this stage, some weight can be given to the DAS and the illustrative plan, which could then be taken into account at the reserved matters stage to ensure that this level of setback was incorporated.

24. Even so, the dimensions on which the appellant's judgement is based would seek only to replicate current minimum distances between buildings, from the northernmost house on the east side of Ryland Road. The appeal site forms part of a wider block of open land, whose space between built form is considerably greater. While I note that the Secretary of State was willing to allow a reduction to minimum dimensions of a green wedge in the recent Rothley appeal⁵, that case rested on its own particular facts, and the overall integrity of the green wedge was held to be preserved. The Secretary of State has taken a different view where the purpose of a green wedge was compromised⁶.
25. In this case, an important issue is whether the proposal would be seen from Ryland Road as a developed frontage. In the indicative layout, the houses and their access drive would be set back from the road by less than 100m, and would be closer than that to the footway to be provided in accordance with the planning obligation. This depth, which would be less than that of the small field to the east, would provide insufficient separation to divorce the houses from the road.
26. The later version of the indicative layout shows less formal design for the proposed 'village green'. But as public open space, even if designed to somehow resemble a meadow, it would be seen in conjunction with the houses as a part of the development. The proposed car park, which is not shown on the appellant's photomontages, would emphasise the developed character of the space, which would be markedly different from the tightly enclosed traditional village greens found at the core of the two villages.
27. The effect of this would be to change the character of most of the west side of Ryland Road to a perceived developed frontage. Only the narrow intervals to the north and south of Cottingham Court would remain unbuilt. Crucially, for the first time the developed frontages to both sides of the road would overlap. There would be the beginnings of coalescence of the two villages.
28. For the reasons set out above, I conclude that the proposal would be contrary to LP Policy STRAT 13. For the appeal to be allowed, the conflict with the development plan would have to be outweighed by other considerations.

Consistency with NPPF

29. The appellant's second proposition is that the designation of the site's location under Policy STRAT 13 should be seen as out of date in the context of current development needs, such that any conflict with the development plan would be outweighed by other considerations, and that planning permission should be granted in accordance with the guidance on out of date policies of paragraph 14 of the NPPF.
30. The LP was adopted to cover the period to 2016. Those policies saved by ministerial direction in 2009 are therefore not strictly time-expired. However,

⁵ Paragraph 7 above

⁶ Appeal Ref APP/G2435/A/11/2158154

the higher order regional and county-level plans on which the LP was founded have since respectively been replaced and revoked, and the subsequent Regional Plan of 2009 also cancelled. I agree with the Council that the tests of soundness of a local plan set out in paragraph 182 of the NPPF are specifically directed to the examination of emerging plans. Nevertheless, for any plan to be regarded as up to date, it should reflect current objectively assessed needs for development. The adopted LP no longer reflects such needs, particularly for housing.

31. It is common ground that, allowing the 20% buffer for persistent past under-delivery advised by the NPPF⁷, the Council cannot currently demonstrate a 5 year supply of deliverable housing land. Although the precise level of shortfall is not fully agreed, the difference between the parties is not of great consequence for the appeal, and the shortfall is clearly significant. In these circumstances, the NPPF advises that the housing supply policies of the development plan cannot be regarded as up-to-date⁸. The unmet need for additional housing becomes a consideration of substantial weight in the appeal.
32. In accordance with the judgement of the High Court in the case of *William Davis*⁹, the appellant accepts that STRAT 13 is not a policy relevant to the supply of housing, and is not therefore out of date because of the absence of a 5 year land supply.
33. The appellant also accepts that the principle of protecting space between settlements set by Policy STRAT 13 is consistent with the guidance of the NPPF, but argues that the spatial application of the policy must now be seen as out of date, so that the weight to be given to the policy restriction must be diminished, in accordance with NPPF paragraph 215.
34. For the Council to continue to resist that argument appears to be inconsistent with its position on other LP policies. In particular, the Council considers that the appeal proposal would be contrary to LP Policies STRAT 9, on the sequence of release of housing land, and STRAT 12, on protection of the open countryside, but has not treated either policy conflict as a reason for refusal. The committee report explains that the Council's inadequate housing land supply means that neither policy can currently be strictly applied, despite compliance in principle with NPPF guidance. The acceptance of encroachment beyond boundaries designated by Policy STRAT 12 effectively recognises that the policy protection has been rendered out of date, and that greater weight must be given to other considerations.
35. The distinction drawn by the Council to justify a different approach to the protection offered by Policy STRAT 13 appears to be based on the consistent history of its application and the very specific locations affected. But these are matters to be taken into account when applying weight, rather than to the judgement of whether the policy protection is now fully consistent with the NPPF.
36. Therefore, I accept the appellant's position that the spatial application of Policy STRAT 13 should be seen as out of date. If the appeal proposal is to avail of the presumption in favour of sustainable development, the second bullet point

⁷ paragraph 47

⁸ paragraph 49

⁹ *William Davis Limited and Jelson Limited v Secretary of State for Communities and Local Government and North West Leicestershire District Council* [2013] EWHC 3058 (Admin)

of NPPF paragraph 14 on decision making must apply. Planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

Balance of considerations: main issue

37. The NPPF enjoins the planning system to seek joint and simultaneous gains across the three mutually dependent dimensions of sustainable development: social, economic and environmental. The overall balance must look across all three strands. The Council accepted at the Inquiry that weakness in one dimension did not automatically render a proposal unsustainable.
38. For that reason, I do not agree with the Council that wider application should be given to the judge's remarks in the recent *Bloor Homes* High Court judgement¹⁰, in which development in a green wedge was considered patently unsustainable. That conclusion related to the particular facts of that case, and should not be read across to the current appeal.
39. Both Welton and Dunholme are recognised by LP Policy STRAT 3 as Primary Rural Settlements and accepted by the Council as sustainable locations for new housing. The appeal site would be well located with regard to access to local services and to public transport links to larger service centres. This would accord with the social dimension of sustainable development.
40. The provision of market housing would also address the social dimension. In the light of the Council's severe deficit in supply, this is a consideration of substantial weight. There has been some local support for this provision as part of a process of growth and renewal of the villages.
41. The proposed provision of affordable housing also attracted some strong local support in written submissions and at the Inquiry. The number of units proposed would exceed the local policy minimum level and would go some way towards meeting the currently identified need from both villages. This would provide positive weight in favour of the proposal.
42. The Council does not dispute the economic benefits outlined by the appellant in terms of job creation during construction, spending power of future residents and the one-off income received under the New Homes Bonus. Moderate weight would attach to these economic benefits.
43. Subject to later approval, biodiversity enhancements and open space provision could produce modest environmental gains. Cumulatively, the benefits of the proposal attract substantial weight.
44. Set against these would be the harm, both environmental and to a certain extent social, caused by development between the villages. Environmental harm would arise from the loss of open land as a buffer to the two built-up areas and from the curtailed landscape setting of the two villages, while residents' access to undeveloped open land leading to the wider countryside would be adversely affected.
45. The extent of the proposed developed frontage to Ryland Road would be significantly harmful. The proposal would appear primarily as an extension of

¹⁰ *Bloor Homes East Midlands Limited v Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council* [2014] EWHC 754 (Admin)

the built-up area of Welton, but the overlap of development would make it considerably less clear that, as put by the appellant in closing, 'Welton is Welton; Dunholme is Dunholme'.

46. The planning history shows the consistency with which the objective of protecting the space between settlements has been pursued, and upheld by previous Inspectors. While some of these former decisions are now too old to be seen as compelling precedents, they illustrate the value that has been attached to this policy aim over time.
47. By contrast, it is to be hoped that the current housing shortfall will be relatively short-term. The Council's evidence suggests that moves are afoot to bring forward other potentially more suitable sites to address the need for housing, both market and affordable. By allowing coalescence of the two villages to begin, approval of the appeal proposal could be a watershed moment in the pattern of development. It would become increasingly difficult to resist further development between the villages, particularly adjacent to Ryland Road. I endorse the view taken in the Devon appeal decision¹¹ referred to by the Council that a change of this significance ought to be subject to formal policy review.
48. There is clearly a good degree of mutual interrelationship between the two villages and shared use of some facilities. But their historic separate identities, dating back to Domesday and beyond, are clearly valued by many local residents and by the two parish councils who have objected to the proposal. Maintenance of the physical gap between the villages is the most obvious way of preserving the separate identities of the two communities.
49. The policy objective of protecting the gap remains an important element of the current development plan, whose principle is consistent with the guidance of the NPPF. The policy's out of date spatial application means that the particular circumstances of any development proposal must be carefully assessed and weighed in the balance set by paragraph 14.
50. In this case, taking account of the extent of development proposed, I find the effect on the gap between villages would be significantly harmful, and would have permanent effect. The direct conflict with the principle outlined by Policy STRAT 13 is a matter of great weight. On balance, the proposal's adverse impacts would significantly and demonstrably outweigh its benefits. The proposal would not comprise a sustainable form of development in accordance with national and local policy.

Fallback position

51. The appellant states that four agricultural buildings could be erected on the site, their construction having been started in 1991 in accordance with 'permitted development' rights for farm buildings in force at that time. It is suggested that, in the event of the appeal being dismissed, these buildings, each up to 465 sqm in area and 12m in height, would be completed and used for agricultural storage.
52. Letters sent by the Council to the appellant in 1992 and 1993 confirm that holes dug for foundations constituted commencement of development. But apart from that, information about the extent of the works and the location of

¹¹ Appeal Ref APP/U1105/A/13/2202124

the buildings appears extremely sketchy, and no sign of them could be discerned at the site visit. A statutory declaration by the appellant merely confirms that some foundations were laid, but work was otherwise delayed. Other evidence suggests that a building was at least partly erected close to Ryland Road, but subsequently taken down.

53. Therefore, there is considerable uncertainty over what precisely could be implemented under the claimed deemed permission, and whether, in the absence of further implementation over the long period of time since commencement, that permission would still have effect. The lack of progress also suggests that the provision has not up to now been seen as necessary for the appellant's agricultural operation. The weight to this proposition as a realistic fallback with a reasonable likelihood of implementation is greatly reduced.
54. But even if any or all of the proposed buildings could be implemented, and if associated hardstandings could also be provided as now claimed, the development would be agricultural in character and not out of keeping with the rural context. It would be well dispersed around the field and would be unlikely to alter the appearance of the site to that of a busy farmyard. The impact on the open character of the site would be significantly less detrimental than that of residential development. The potential fallback does not provide compelling support for approval of the appeal scheme.

Other matters

55. The Council's second reason for refusal of the application related to inadequate assessment of the potential impact of development on the archaeological significance of the site. Site investigations carried out after the refusal confirmed the presence of archaeological remains, but concentrated at the eastern end of the site, in the area identified as intended open space. The SoCG confirmed the Council's satisfaction that this issue could now be addressed by the imposition of conditions, and I have found no reason to disagree.
56. Objectors to the proposal raise a number of other concerns, primarily concerned with the capacity of local infrastructure to absorb additional development. The effect on schools has been assessed and additional places where required would be funded by the planning obligation. There is no evidence to conclude that the proposal would exacerbate any existing flooding or traffic problems on Ryland Road. The proposed car parking might have some benefit in easing any congestion caused by parking on Ryland Road for school drop-off and collection, but could also merely serve to encourage more car-borne trips for this purpose. There would seem to be little need for a car park to serve the proposed village green, which would aim to provide local open space.
57. The effect on nearby residents, including those living opposite the proposed site access, would not be sufficiently adverse to justify rejection of the proposal and would be subject to further detailed consideration in the event of the appeal being allowed.
58. The provisions set out in the S106 agreement would not in themselves alter the planning balance to render the proposal acceptable, nor could the balance be redressed by the imposition of conditions.

Conclusion

59. For the reasons set out above, and having taken careful account of all representations made, both in writing and at the Inquiry, I conclude that the appeal should be dismissed.

Brendan Lyons

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY West Lindsey District Council:

Stephanie Knowles of Counsel

Instructed by Charlotte Lockwood,
Senior Planning Solicitor,
Legal Services Lincolnshire

She called:

Russell Clarkson
BA(Hons) DipTP MRTPI

Senior Development Management Officer, Cofely

FOR THE APPELLANT:

Christopher Boyle QC

Instructed by
URS Infrastructure and Environment UK Ltd

He called:

Brian Duckett
BSc(Hons) BPhil CMLI
Thomas Smith
BSc(Hons) DipTP MRTPI

Managing Director, Hankinson Duckett Associates

Planning Consultant

INTERESTED PERSONS:

Robert Jones

Resident of Dunholme

Catherine Cullen

Resident of Welton

Matthew Barber

Resident of Welton

Joanna Pace

Resident of Dunholme

Rachel Jones

Resident of Dunholme

Peter Williams

Resident of Dunholme

Julie Murray

Clerk to Welton Parish Council

Suzanne Hollick

Resident of Welton

Peter Forman

Resident of Dunholme

Tony Pache

Resident of Dunholme

Councillor Sue Rawlins

Member, West Lindsey District Council

Andrew Hunt

Resident of Dunholme

Pamela Vaughan

Resident of Welton

DOCUMENTS

Submitted at Inquiry

- 1 West Lindsey District Council's letter of notification of the Inquiry
- 2 Central Lincolnshire Local Plan: Local Development Scheme
- 3 Welton-by-Lincoln Parish Plan 2010-2015
- 4 Saved Local Plan Policy NBE7
- 5 Welton-by-Lincoln Parish Plan 2007-2012
- 6 Local Plan Chapter 6
- 7 Section 106 Agreement with amendments flagged
- 8 Lincolnshire County Council letter dated 21 November 2013
- 9 Completed Section 106 Agreement
- 10 Responses to public consultation event
- 11 Closing Submissions on behalf of West Lindsey District Council
- 12 High Court Judgement: *Bloor Homes East Midlands Limited v Secretary of State for Communities and Local Government and Hinckley and Bosworth Borough Council* [2014] EWHC 754 (Admin)
- 13 Closing Submissions on behalf of the appellant

Submitted after Inquiry

- 14 Secretary of State's Decision on Appeals Ref APP/X2410/A/13/2196928 & 2196829 Land off Mountsorrel Lane, Rothley, Leicestershire
- 15 Letter from Mr T Smith dated 30 April 2014
- 16 High Court Judgement: *Anita Colman v Secretary of State for Communities and Local Government and North Devon District Council and RWE NPower Renewables Limited* [2013] EWHC 1138 (Admin)
- 17 Letter from West Lindsey District Council dated 2 May 2014

Appeal Decisions

Hearing held on 10 May 2016

Site visit made on 10 May 2016

by Richard Schofield BA(Hons) MA MRTPI

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

Decision date: 14 June 2016

Appeal A Ref: APP/N2535/W/16/3145353

Land Adjacent to Dunholme Close, Welton, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Charles Pickering against the decision of West Lindsey District Council.
 - The application Ref 133064, dated 25 May 2015, was refused by notice dated 27 August 2015.
 - The development proposed is erection of 12 dwellings with access from Dunholme Close.
-

Appeal B Ref: APP/N2535/W/16/3145351

Land South of Dunholme Close, Dunholme/Welton, Lincolnshire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Charles Pickering against the decision of West Lindsey District Council.
 - The application Ref 132426, dated 6 February 2015, was refused by notice dated 27 August 2015.
 - The development proposed is change of use from agriculture to public open space.
-

Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for change of use from agriculture to public open space at Land South of Dunholme Close, Dunholme/Welton, Lincolnshire in accordance with the terms of the application, Ref 132426, dated 6 February 2015, subject to the conditions set out in the Annex to this decision.

Preliminary Matters

3. The application subject to Appeal A was made in outline with all matters other than access reserved for later determination. I have considered the appeal on this basis.
4. It was confirmed at the Hearing that the emerging Central Lincolnshire Local Plan (CLLP) is out for a final round of consultation until the end of May, after which time it will be submitted for examination. The Council confirmed that an

examination will not take place until much later in the year, with the CLLP not likely to be adopted until the end of the year or early 2017. This being so, having regard to paragraph 216 of the National Planning Policy Framework (the Framework), I consider that little weight can be attached to it. I have, therefore, determined the appeal in line with the adopted development plan.

5. The Welton-by-Lincoln Neighbourhood Plan (WNP) has undergone examination, with the examiner's report expected imminently. It was not disputed at the Hearings that no significant objections to it were raised at the examination. This being so, in line with paragraph of 216 of the Framework, I give the WNP significant weight.

Main Issue

6. The main issue is the effect of the proposed developments on the undeveloped settlement break between Welton and Dunholme.

Reasons

7. Together the appeal sites comprise a field to the immediate south of Welton, in a wider area of undeveloped land between the villages of Welton and Dunholme. As such the sites lie outside the defined settlement boundaries to these villages and form part of the formal 'settlement break' between them, as defined by the Proposals Map to the West Lindsey Local Plan First Review (the Local Plan). Thus, the sites are protected from all but specified forms of development (which excludes residential schemes of the type proposed) under Local Plan policies STRAT 12, which seeks to conserve the open countryside, and STRAT 13, which seeks to maintain defined open breaks between settlements.
8. Policy EN4 of the WNP is clear that development proposals that would result in the total or partial loss of the Green Wedge (i.e. the settlement break) between Welton and Dunholme will not be supported. Conversely, those which seek to conserve, protect and otherwise enhance this land for the benefit of communities will be strongly supported.
9. Ryland Road, which is the main highway link between the two villages, forms the field's eastern boundary, with a public footpath running along its northern (footpath 169) and western (footpath 785) boundaries. Its southern boundary is clearly defined by a mature, deciduous hedge. There is a further field behind this hedge, running up to the northern edge of Dunholme. Together, the appeal field and that to its south form a discrete part of the settlement break at this point.
10. The appeal site could not be said to be of a high landscape quality. Indeed, the Welton-by-Lincoln Village Character Assessment, produced to inform the WNP states that, *'much of the land along Ryland Road which forms part of the green gap is of a nondescript character, with no obvious function or value, other than that of ensuring separation between the two settlements'*¹.
11. Nonetheless, it also notes that the, *'undeveloped gap plays an important role in preventing the coalescence of the two settlements. It protects the setting and separate identity of each settlement, and therefore its retention as a predominantly open and undeveloped landscape is critical to ensuring the*

¹ P25 para 3.30

effective separation of Welton and Dunholme and the safeguarding of the individual character of each village’.²

12. This is rather the point. The settlement break here is narrow, being only around 300m across. Although the appeal field may be unremarkable in landscape terms, it nonetheless comprises a significant proportion of the settlement break here and is, arguably, situated at the point between the two villages where the sense of their distinct separation is most readily apparent to those passing between them. This sense is further enhanced by the more enclosed and intimate form of the landscape of the settlement break at this point.
13. Far from being an indistinct gap, the openness of the appeal field, combined with that of the field to the east of Ryland Road, north of the ribbon development heading out from Dunholme, allows one to appreciate a critical distinction between the two villages when moving along Ryland Road. This is particularly apparent when heading north from Dunholme, when one can readily perceive a clearly defined southern edge to Welton formed by development on, and a firm landscaped boundary to, Dunholme Close and Roselea Avenue. In addition, even with the fencing to the field’s eastern boundary in place, the undeveloped nature of the appeal sites is clearly visible from vehicles and on foot, with views easily achieved across them to the field’s western hedgerow boundary and the open countryside beyond.
14. The sense of separation is also clearly perceptible from footpaths 169 and 785, which are obviously well used by local residents. Although views looking south from footpath 169 are now constrained by fencing erected by the appellant, I agree with the judgments reached by the Inspector in relation to a previous appeal on the sites³. Namely, that the role of the appeal field, and the field to its south, as a buffer to the northern limit of Dunholme can be readily appreciated from the footpaths, adding depth to views from footpath 785 and contributing to the definition of the extent of the clear gap between the two settlements.
15. Should the proposed residential development proceed, it would extend the built form of Welton around 100m further south into the settlement break. Given the already narrow width of the break at this point, advancement of Welton’s built form to this degree, well beyond its well-established settlement edge, would result in a very significant reduction in the depth of the break.
16. I accept that a simple measure of the extension of development into a settlement break is a rather simplistic means of assessing impact. There is, however, rather more than mathematics at play here and the appeal proposal would not be, as the appellant suggests, a modest extension to the settlement edge of Welton. New dwellings would be clearly visible from footpath 169, even if set back from it, and from footpath 785, resulting in perceptible advancement of the built form of Welton into the narrow belt of the settlement break, ever closer to coalescence with Dunholme .
17. Some sense of separation would remain when passing along Ryland Road, as the development would be set well into the site. In addition there would be a, very narrow, view retained across the southern end of the site to the

² P25 para 3.28

³ 2207053

countryside beyond when heading towards Dunholme. Nonetheless, development would still be clearly visible from the road and would remain so, albeit eventually in marginally more filtered views, even if the proposed additional planting were put in place. This judgment is borne out by the 10 years post development viewpoints provided by the appellant.

18. This change from open land to a partially developed area of housing would also serve to reduce significantly the extent of the gap between the villages and increase the very real perception of advancing coalescence, notably when viewed in tandem with the ribbon development on the eastern side of Ryland Road.
19. Turning to the proposed change of use to public open space, the Council's concerns in this regard centre on the potential impacts of the paraphernalia (e.g. bins, benches, signage, play equipment) usually associated with public open space, which, it argues, would contribute to the sense of diminution of an undeveloped break between the villages. As discussed at the Hearing, however, this could be addressed by a condition removing relevant permitted development rights. As such, the principle of a change of use would be acceptable, subject to an appropriate landscaping and management plan for the site, and would not result in any appreciable change to the undeveloped break.
20. A number of appeal decisions relating to green gaps/settlement breaks were drawn to my attention, wherein Inspectors had reached different conclusions as to whether development in such areas was harmful. The parties agreed that these decisions were case specific, that any conclusions on the impact of development in a green gap/settlement break was a matter of judgment for the decision maker and that there was no need to scrutinise the decisions further.
21. The appellant also noted that the Council had allowed new residential development in the settlement break north of Honeyholes Lane in Dunholme. This may be so, but it was agreed that there was no contextual similarity between this site and the appeal sites. As such, I do not consider that the Council has acted inconsistently in its approach nor do I consider that the Honeyholes Lane decision sets any kind of precedent for the appeals before me.
22. I conclude, therefore, that the proposed residential development would have an adverse impact upon the undeveloped settlement break between Welton and Dunholme. It would conflict with Local Plan policies STRAT 12 and STRAT 13, and with emerging WNP policy EN4, the aims of which are set out above. I further conclude that the proposed change of use to public open space would not have an adverse impact upon the settlement break and, thus, would not conflict with these same policies, receiving active support from WNP policy EN4.

Other Matters

23. There is dispute between the parties as to whether the Council is able to demonstrate a five-year supply of deliverable housing sites. On the basis of the limited evidence presented to me by both parties, I do not consider that it would be possible for me to reach a conclusion on this matter. That said, there was agreement between the parties at the Hearing that the matter was not

critical to the determination of the appeals and did not need to be considered further.

24. There is, clearly, some support for the appeal schemes. My reading of the supportive representations before me, however, is that they see the appeal schemes as a means of removing what is, justifiably, regarded as unsympathetic fencing to two of the site boundaries and of achieving the tidying of the sit, thus making a more attractive edge to Welton. There are, however, other means of securing the tidying up of land other than permitting new residential development upon it and, as suggested by the appellant at the Hearing, it is possible to secure a site, or make it less attractive to anti-social uses, by means other than the fencing currently in place. Either way, I do not consider that the current state of the site is, of itself, sufficient justification to warrant such a significant incursion of built development into the settlement break.
25. It was suggested that the proposed dwellings would be attractive to local residents seeking new houses as they would be available to self-builders and/or prospective purchasers would have greater control over their design and fitting out than they would with a volume house builder's products. There is not, however, any evidence before me to support these views.
26. Concerns were expressed that the dismissal of the appeal would result in agricultural buildings being erected on the field or mineral extraction taking place. There is no evidence before me of any such proposals and, in any case, both would be subject to appropriate prior approval and/or planning controls. Given these facts, and the nature and location of the field, there can be no certainty that either proposal could or would be successfully implemented.

Conditions

27. With regard to Appeal B, I have imposed a condition detailing the approved location plan as this provides certainty given the unusual shaping of the open spaces and their juxtaposition with the proposed residential development. Given the unauthorised uses of the site in recent times, including the dumping of waste material, a contaminated land assessment and remediation condition is necessary. Although this condition was discussed in the context of the residential scheme, the issue of contamination is equally applicable to the open space. I have imposed the standard shorter condition in favour of that proposed by the Council. The removal of permitted development rights and the requirement for a landscaping scheme and management plan are necessary in the interests of maintaining the undeveloped character and appearance of the settlement break and achieving the biodiversity benefits suggested by the appellant.

Planning Obligations

28. Regulation 122 of the Community Infrastructure Levy Regulations 2010 (the Regulations) requires that if planning obligations contained in S106 Agreements are to be taken into account in the grant of planning permission, those obligations must be necessary, directly related, and fairly and reasonably related in scale and kind to the development in question.
29. A unilateral undertaking was submitted in respect of both appeal schemes. Those obligations associated with Appeal A would not overcome my concerns in

relation to the appeal scheme and I do not consider them further here, although the matter of affordable housing is weighed in the planning balance below.

30. Those concerning the laying out and transfer of the public open space and the payment of a maintenance contribution for it are necessary to secure its appropriate landscaping and ongoing maintenance. I am satisfied that they meet the tests set out in the Regulations.

Conclusion

31. I have concluded that the proposed open space does not conflict with relevant planning policy. The residential scheme would, however, conflict with the development plan and the emerging WNP, in relation to its situation in an undeveloped settlement break outwith the settlement boundaries of Welton and Dunholme. It is common ground between the parties, however, that the age of the Local Plan is such that certain policies in relation to where residential development may be located, namely STRAT 12 and STRAT 13, are out-of-date. My concerns as to whether the latter position can be an automatic corollary of the former were noted at the Hearing.
32. Nonetheless, given the common ground between the parties on this matter I have, for the purposes of these decisions, adopted the approach set out in paragraph 14 of the Framework, in relation to the residential scheme, which is that used by the Council in its determination of the original applications. This explains that where relevant policies are out-of-date then permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
33. However, a policy being 'out-to-date' is not the same thing as it being disregarded. The statutory requirements, both to have regard to the Development Plan and to make decisions in accordance with it unless material considerations indicate otherwise, remain. Thus, the weight to be given to 'out-of-date' policies is a matter for the decision maker.
34. It is clear that the settlement break between Welton and Dunholme was formally established in planning policy, namely Local Plan policy STRAT13, some 10 years ago. Its enduring relevance is clear from the inclusion of a Green Wedge policy in the WNP and the proposal to retain the gap in policy in the emerging CLLP (albeit that this document, in my judgment, attracts little weight at present).
35. It is also evident from the appeal field's planning history that numerous planning applications for residential development upon it have been refused over the last 54 years, with decisions being upheld on appeal on a number of occasions. The adverse impact upon the role and value of the space between Welton and Dunholme has been the determinative factor each time, even without a formal 'gap' policy in place, and it was not disputed at the Hearing that there is a very strong desire among local residents to maintain a physical and perceptual distinction between the two villages.
36. In this context, I consider that there can be no doubt that the settlement break performs an important environmental and social function. Thus, although the weight to be attributed to STRAT 13, and by association EN4, may arguably be

diminished by virtue of their being 'out-of-date', I nonetheless consider that both remain key material considerations. Therefore, the residential scheme's conflict with them and its adverse impact upon the gap are matters that attract very significant weight in the planning balance.

37. In social terms, the residential scheme would provide additional housing, including a contribution towards off-site affordable housing (secured by unilateral undertaking), which would assist with the Framework's⁴ aim of boosting significantly the supply of housing. These are factors to which I afford substantial weight.
38. Turning to the economic dimension of sustainability, the Government has made clear its view that house building plays an important role in promoting economic growth. In economic terms, the appeal scheme would provide construction jobs and some local investment during its build out, as well as longer term expenditure in the local economy and some Council tax receipts. Moderate weight should be afforded to these benefits.
39. The development would also generate New Homes Bonus (NHB) receipts for the Council. As this is an incentive for local planning authorities to provide housing on suitable sites, and no direct beneficial link between the spend of the NHB and Welton or Dunholme has been established, I do not consider that it attracts weight as a benefit in the planning balance.
40. It is suggested that the scheme would support and sustain shops, services and facilities in the two villages. There is not, however, any evidence that such shops, services and facilities are or will be in particular need of support and I give this matter little weight.
41. In environmental terms, the residential scheme would result in the removal of the fencing along the site's boundary with footpath 169, which is oppressive and unattractive. As noted above, however, it was agreed that there are other, less intrusive, means of securing the site and I give this matter little weight.
42. The appellant suggested that there was little likelihood of the open space scheme coming forward without the residential scheme. The unilateral undertaking includes a mechanism for restricting the occupation of the latter until completion of the former. This being so, I have for completeness sake considered the suggested benefits of the open space in relation to the residential scheme, even though they are standalone applications and fall to be determined as such.
43. If managed properly, the open space could provide a learning resource for the local primary school and result in biodiversity enhancements both as a standalone scheme and as part of a wider network. In the absence of any detailed proposals, however, these must remain aspirational and I give them moderate weight. The scheme would also provide a recreational space for local residents. However, there is no firm evidence before me that such space is lacking in the area and, again, details about the future nature and function of the space are sparse. Indeed, although I am mindful of the difficulties sometimes involved in securing discussion between parties, the ultimate ambition is to transfer the area to Dunholme Parish Council, which was unable

⁴ Paragraph 47

to provide any substantive comment at the Hearing on how it might be used or managed.

44. As with the residential scheme, the proposal would result in the removal of the unsightly fencing to the site's boundary and my considerations on this matter are as above.
45. It was suggested that the proposal would strengthen the character and function of the gap and provide a 'gateway' feature into Welton. Given my findings of harm above, I cannot agree with this view. The site is currently open and undeveloped. Although the appearance of the Ryland Road side of the site might change for the better, there are other means of improving the appearance of the site and the proposal would not mitigate the impact of the incursion of residential development into the gap. I give this very little weight.
46. Placing these factors and all other relevant material considerations in the balance, I find that the adverse impacts of the proposed residential development would significantly and demonstrably outweigh the benefits. In the circumstances I conclude that this proposal would not represent a sustainable form of development. Thus, for the reasons given above, and taking all other matters into consideration, I conclude that Appeal A should be dismissed and Appeal B allowed.

Richard Schofield

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Thomas Smith MRTPI
Mr Brian Duckett CMLI
Mr Charles Pickering

Hankinson Duckett Associates
Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Mr Russell Clarkson MRTPI
Cllr Steve England

West Lindsey District Council
West Lindsey District Council

INTERESTED PERSONS

Mr Anjum Sawhney (Chair of Dunholme Parish Council)
Mr Alan Greenway (Welton-by-Lincoln Parish Council, Chair of Planning & Neighbourhood Planning)
Mrs Rachel Jones (local resident)
Mrs Kate Urquhart (local resident)
Mr Tony Pache (local resident)
Mrs Claire Lea (Governor of Dunholme Primary School)
Mrs Angela Hopson (Foundation Governor of Dunholme Primary School)

DOCUMENTS SUBMITTED AT THE HEARING

1. Further draft unilateral undertaking
2. Letter from the Headteacher of Dunholme Primary School to West Lindsey DC, 4 May 2016
3. Off Site Contributions for Affordable Housing Supplementary Planning Guidance
4. Welton-by-Lincoln Village Character Assessment

DOCUMENTS SUBMITTED AFTER THE HEARING CLOSED

5. Email from Lincolnshire County Council education department to WLDC, re Dunholme Primary School, 10 May 2016
6. Minutes of Dunholme Parish Council meeting, 15 July 2015
7. Final unilateral undertaking

ANNEX – CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Site Location Plan 714.2/09B February 2015
- 3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within two days of the report being completed and shall be approved in writing by the local planning authority.
- 4) No development shall commence until a landscape design and management scheme and a biodiversity enhancement scheme have been submitted to and approved in writing by the local planning authority. Development and ongoing management shall thereafter be implemented as approved.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no structures or equipment shall be erected on the site under or in accordance with Class A of Part 12 to that Order.

Agenda Item 7



Planning Committee

15th June 2022

Subject: Determination of Planning Appeals

Report by:

Assistant Director Planning and
Regeneration

Contact Officer:

Andrew Warnes
Democratic and Civic Officer
andrew.warnes@west-lindsey.gov.uk

Purpose / Summary:

The report contains details of planning applications that had been submitted to appeal and for determination by the Planning Inspectorate.

RECOMMENDATION(S): That the Appeal decisions be noted.

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

Equality and Diversity including Human Rights: The planning applications have been considered against Human Rights implications especially with regard to Article 8 – right to respect for private and family life and Protocol 1, Article 1 – protection of property and balancing the public interest and well-being of the community within these rights.

Risk Assessment: None arising from this report.

Climate Related Risks and Opportunities: None arising from this report.

Title and Location of any Background Papers used in the preparation of this report:

Are detailed in each individual item

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Mr Chatterton against the decision of West Lindsey District Council to refuse planning permission for outline planning application to erect 1no. dwelling with all matters reserved at Land rear of Charnwood Grange, High Street, North Kelsey, Market Rasen, LN7 6EF.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refused

- ii) Appeal by Mr and Ms B Kynoch against the decision of West Lindsey District Council to refuse planning permission for proposed change of use from agricultural building to 1no. dwelling at Lissingley House, Lissingley Lane, Lissington, Lincoln, LN3 5AG.

Appeal Dismissed – See copy letter attached as Appendix Bii.

Officer Decision – Refuse

- iii) Appeal by Mr and Mrs Morris against the decision of West Lindsey District Council to refuse planning permission for demolition of the existing main building and its replacement with a 1.5 storey building to comprise a single family dwellinghouse (Use Class C3), new landscaping and ancillary works. Installation of solar panes to existing garage at Buildings Adjacent to 19 Brook Street, Hemswell, Gainsborough, DN21 5UJ.

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse

Committee Decision – Refuse

- iv) Appeal by Mr Richard Bussell, Executor of the late John Kirman against the decision of West Lindsey District Council to refuse planning permission for replacing existing farmhouse with a bungalow - being removal of condition 2 of planning permission W89/920/78 granted 21 November 1978: occupancy condition. Resubmission of 142533. at Bleak Farm, Northorpe Road, Scotton, Gainsborough, DN21 3RB

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse

- v) Appeal by Mr Gavin Widdison against the decision of West Lindsey District Council to refuse planning permission for demolition of existing dwelling along with associated outbuildings and erect replacement dwelling with attached garage at Coulson The Bungalow, Saxby Road, Owmbly-By-Spital, Market Rasen, LN8 2DA

Appeal Dismissed – See copy letter attached as Appendix Bv.

Officer Decision – Refuse

Appeal Decision

Site visit made on 3 May 2022

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

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

Decision date: 12 May 2022

Appeal Ref: APP/N2535/W/21/3288115

**Land rear of Charnwood Grange High Street North Kelsey Market Rasen
LN7 6EF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Chatterton against the decision of West Lindsey District Council.
 - The application Ref 143278, dated 27 June 2021, was refused by notice dated 20 September 2021.
 - The development proposed is Outline planning application to erect 1no. dwelling with all matters reserved.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I understand from the appeal form that the Appellant sought to appeal against the refusal of reserved matters following the granting of outline planning permission. This is not consistent with the details of the application, or the decision notice provided by the Council. In considering this appeal as one against the refusal of an outline application, with all matters reserved no party would be prejudiced.
3. For clarity, I have used the description of development and address from the Council decision notice in the banner heading above and have determined the appeal on this basis.
4. The Appellant refers to the development to the west of the appeal site as Barrack Close, in writing this decision I have used the name of Barrick Close as written on the street sign at the entrance to this development.
5. The Council assessed the weight to be attributed to the Central Lincolnshire Local Plan (CLP) 2021, as very limited due to it being at the outset of the consultation process. The Council have not referred to these policies in their evidence and nor has the Appellant. I have therefore considered the appeal against the policies referred to in the reason for refusal from the Council, and do not consider the CLP further.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area having regard to the relevant development plan policies and previous decisions.

Reasons

7. The site is an area of garden set to the rear of the host property, Charnwood Grange and would be accessed via a side entrance connected to High Street. There is currently a garden outbuilding and a number of trees on the site with most of the site laid to lawn. To the rear of the host property but outside of the appeal site a two storey building is currently under construction.
8. The majority of properties on this side of High Street front onto the road creating a linear form of development in this part of the village. This characteristic is only broken up by the new development which has occurred immediately to the east of the appeal site where a new development 'Barrick Close' has been constructed with an access road, one dwelling and two garages set behind the other properties on the frontage.
9. To the rear of the appeal site and adjacent properties, lies the countryside, with the appeal site projecting beyond the western properties, having two of the boundaries abutting this countryside edge, the eastern boundary being shared with the garden of the nearest residential property served off Barrick Close.
10. The appeal site has the character and appearance of a residential garden at this edge of settlement location, and in conjunction with the countryside and the back gardens behind the other properties off this side of High Street creates a green space which reflects the transition from countryside to settlement. I agree with the Council that this overall has a character more akin to the countryside than the built footprint of the settlement.
11. North Kelsey is designated a medium village within the Central Lincolnshire Local Plan 2012-2036 (CLLP) Policy LP2. This supports a limited amount of residential development in appropriate locations. The policy defines appropriate locations as those, where if developed, the scheme would retain the core shape and form of the settlement, not significantly harm either the character and appearance of the settlement, the surrounding countryside or the rural setting of the countryside.
12. The appeal proposal would introduce a new dwelling in a backland location, beyond the rear of all the existing properties in this part of the settlement. Whilst it would remain inside the current hedge line, which defines the rear garden of the host property and the countryside edge, it would introduce a dwelling significantly beyond anything else in this area and extend the built form of the settlement, which is not consistent with the current development pattern, and does not therefore retain the core shape and form of this part of the settlement. In this respect. I agree with the Council that the appeal proposal does not form an appropriate location for development as defined in Policy LP2 of the CLLP.
13. Policy LP4 of the CLLP sets a further policy test in prioritising sites in accordance with a hierarchy. This policy supports development of brownfield land or infill sites in 'appropriate locations' within the developed footprint of the

settlement. As I have concluded that I do not regard this site to be within the developed footprint of the settlement and an appropriate location for development this scheme would not accord the exceptions set out under policy LP4 of the CLLP.

14. Policy LP17 and LP26 seek to protect the intrinsic value of the landscape and townscape, including the setting of settlements and to respect the existing landscape character, where new development should relate well to the site and surroundings. As a backland scheme which does not follow the current pattern of development and would extend the developed footprint of the settlement. I do not regard the appeal proposal as one which would relate well to the site and surroundings.
15. Therefore, the proposal would harm rather than respect or enhance the character and appearance of the surrounding area and so would not accord with the design principles set out in Policies LP17 and LP26 of the CLLP or the principles set out in paragraph 130 of the NPPF.
16. I conclude that the dwelling proposed would cause harm to the character and appearance of the area, contrary to the aims of the CLLP policies LP2, LP4, LP17 and LP26.

Other Matters

17. The appellant has referred to an earlier decision by the council for the development of a single dwelling off South Street. I do not consider the relationship of this development to its neighbours and the countryside to be directly comparable to the appeal scheme and therefore this evidence has not led me to a different conclusion from that set out.
18. The appellant also indicates that the development would be both single storey and designed to be an eco home. It would be possible to impose conditions to require that a scheme comply with both of these elements. They would not however, overcome the harm I have identified above.

Conclusions

19. For the reasons given the appeal is dismissed.

Edwin Maund

INSPECTOR



Appeal Decision

Site visit made on 3 May 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 MAY 2022

Appeal Ref: APP/N2535/W/22/3290629

Lissingley House, Lissingley Lane, Lissington, Lincoln LN3 5AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr and Ms B Kynoch against the decision of West Lindsey District Council.
 - The application Ref 143843, dated 8 October 2021, was refused by notice dated 3 December 2021.
 - The development proposed is prior approval for proposed change of use from agricultural building to 1no. dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. This appeal relates to Schedule 2, Part 3, Class Q of the General Permitted Development Order (GPDO). Class Q (a) permits development consisting of a change of use of a building and any land within its curtilage from a use as an agricultural building to a Class C3 use (dwellinghouse). This provision also includes, at (b) any building operations reasonably necessary to convert the building. The proposal includes development subject to both criteria.
3. It is disputed between the parties whether the building was in agricultural use on 20 March 2013, or was last in use for this purpose, as required by Paragraph Q.1(a) of the GPDO. It is also contested whether the scheme only proposes works that are reasonably necessary for the conversion to take place as required by Paragraph Q.1(i) of the GPDO. No other matters are in dispute.

Main Issue

4. Consequently, the main issue is whether the proposal would be permitted development under Schedule 2, Part 3, Class Q.1(a) and (i) of the GPDO.

Reasons

Permitted development

5. Paragraph Q.1(i) of the GPDO identifies the extent of building works permitted under Class Q as being those reasonably necessary for the building to function as a dwellinghouse. These include the installation or replacement of windows, doors, roofs, or exterior walls. The permitted development rights also include partial demolition, to the extent reasonably necessary to carry out such building operations.

6. The Planning Practice Guidance (PPG) advises, amongst other things, that the Class Q right assumes that the agricultural building is capable of functioning as a dwelling. It is therefore not the intention of Class Q to allow rebuilding work which would go beyond 'reasonably necessary'. The question of whether a proposal would be a conversion or rebuild is central to whether the barn is capable of conversion. Furthermore, a rebuild would not necessarily follow total demolition, it is instead a test of substance and planning judgement. This aligns with the conclusions from the *Hibbitt*¹ judgment referred to by the appellants.
7. The appellants structural report indicates that the building is in a reasonable structural condition. I saw that, although there was some corrosion of the portal frame members and bolts, the structural frame appeared to be capably supporting the existing lightweight sheeting.
8. The proposal would involve the installation of windows, doors, roofs, and exterior walls which are all previously identified as being reasonably necessary for a building to function as a dwellinghouse under Class Q. However, to facilitate this development, it is clear from the structural report that the existing structural frame of the building is incapable of supporting these works.
9. As such, the proposal involves two additional portal frames, installing side elevational and end bay roof bracing and replacing or supplementing the eaves beam with a steel member. Based upon my observations of the building during my site visit, I have no reason to question the accuracy of the recommendations of the structural report. These parts are structural elements of the building and would, collectively, consist of structural alterations that would fall outside of those permitted by Class Q(b) and paragraph Q.1(i) having regard to the PPG.
10. The appellants have referred me to an appeal (Ref: 3179581). However, from the evidence before me, that proposal involved retaining the existing structural elements of the building with no new structural additions. This contrasts with the proposal before me, which specifically involves new structural elements.
11. I therefore find that the proposal does not satisfy the requirements of the GPDO, with regard to being permitted development for a change of use from an agricultural building to a dwellinghouse, having particular regard to the requirements of Class Q.1(i).

Agricultural use

12. The GPDO does not define 'agriculture', and thus the meaning set out in s336(1), of the 1990 Town and Country Planning Act applies. This refers to a range of activities including "horticulture, fruit growing, seed growing, dairy farming, and the breeding and keeping of livestock". Furthermore, Part 3, paragraph X of the GPDO defines an 'agricultural building' as "a building used for agriculture, and which is so used for the purposes of a trade or business".
13. The appeal building is a rectangular building, located within land associated with Lissingley House, but outside of its formal garden area. The Council describe the land as manicured. This accurately describes the sites characteristics due to the combination of the well-kept grass, pond, bench,

¹ Hibbitt and another v Secretary of State for Communities and Local Government, Rushcliffe Borough Council [2016] EWHC 2853 (Admin).

- greenhouse and shed, access track, parking, and bin storage adjacent to the appeal building.
14. The appeal building is split into two sections, was empty at the time of my site visit and was not being used for any purposes. The section with pre-cast concrete panels is accessed by doorways that are not wide enough to allow vehicles or large agricultural equipment to enter. Moreover, that section contains many plug sockets and a sink, so is unlikely to have been previously used for livestock. The larger section has an open side to the rear and concrete floors, with no firm evidence to indicate how it was used in the past.
 15. Historic aerial photographs of the site from the 1970's and 1980's show a building in a similar position, but with different walls, fenestration, and length. Moreover, it appears to be set back further from the road with the section of the building with pre-cast concrete panels and a pitched roof not in situ. The 1970's photograph appears to show the house and land having a connection to the agricultural field. However, even if I accept that the existing building is the same building that has been altered, rather than a replacement building, the photographs add little to qualify whether the existing building was in agricultural use on 20 March 2013 or was last in use for this purpose and used for the purposes of a trade or business.
 16. The appellants have provided evidence of a Holding Registration Document (the document) for herds of beef cattle, sheep and pigs which is dated 28 June 1996. This clearly indicates that some level of agricultural activity occurred on land associated with the house. The appellants also indicate that there are several records for the keeping of livestock on the site. However, only this document is before me.
 17. The document does not expressly refer to the area of land where the herds were kept, does not demonstrate how the building was used or whether the extent of agricultural activities at that time constituted an existing trade or business, rather than operating on a hobby basis. This is a key point as Paragraph X of Part 3, Schedule 2 of the GPDO stipulates that the use of the buildings must be in association with an agricultural trade or business.
 18. The appellants have referred me to an appeal decision where the Inspector considered that a holding document was not specifically required by the GPDO, and I agree with this conclusion. However, from the evidence before me, in that case it was not disputed that the appeal building was previously part of a piggery unit. Moreover, evidence remained within the building of such a use, with the building containing livestock pens and troughs. This distinguishes it from the appeal proposal before me, where there is no substantive evidence of the building's prior function in connection with an agricultural trade or business.
 19. The appellants purchased the site in 2017 and I'm told the building contained agricultural paraphernalia at that time. However, I have no substantive evidence of this, or any firm details of what such paraphernalia consisted of, which limits the weight I can afford this matter.
 20. A copy of ongoing payments of agricultural drainage rates to the local Internal Drainage Board has been provided. However, it is unclear how the drainage rates are quantified and whether such rates are paid on other land not needed in connection with an agricultural business such as paddocks.

21. Doubt has been cast by the Council as to whether there has been an intervening use of the building since 1996. In this regard, I have been referred to the planning history of the site which includes applications in the mid 1990's for the erection of a building in connection with a proposed cattery/kennels. Moreover, the appellants have also previously referred to this use in prior correspondence with the Council.
22. The appellants indicate that their earlier understanding of this kennels/cattery use was incorrect, and they now believe that the use was never implemented, and no conditions were ever discharged by the Council. Neither party has provided any of the documents relating to this application or any clear robust evidence that the kennels/cattery building, or use was ever implemented. I am not therefore persuaded that this planning history is a determinative matter in relation to this main issue.
23. Drawing the above together, I cannot be satisfied on the balance of probabilities that the building was in agricultural use as part of an agricultural trade or business on 20 March 2013 or was last in use for this purpose, Accordingly the limitation at Paragraph Q.1(a) would apply, meaning the proposal would not be permitted by Class Q of the GPDO.

Other Matters

24. Any benefits from the proposal making an effective use of land and the provision of a family home are not matters that can be taken into account in my consideration of whether the proposal would be permitted development under Schedule 2, Part 3, Class Q.1(a) and (i) of the GPDO.

Conclusion

25. For the above reasons, the appeal is dismissed.

Mr R Walker

INSPECTOR



Appeal Decision

Site visit made on 12 May 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 19th May 2022

Appeal Ref: APP/N2535/W/21/3282132

Buildings Adjacent to 19 Brook Street, Hemswell, Gainsborough DN21 5UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Morris against the decision of West Lindsey District Council.
 - The application Ref: 141128, dated 27 May 2020, was refused by notice dated 4 March 2021.
 - The development proposed is demolition of the existing main building and its replacement with a 1.5 storey building to comprise a single family dwellinghouse (Use Class C3), new landscaping and ancillary works. Installation of solar panes to existing garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.
3. Whether the appeal building is a non-designated heritage asset (NDHA) is a matter of dispute between the parties. On the basis of its inclusion in the Lincolnshire County Council Heritage Environment Record as the Former Blacksmiths Forge, its contribution to illustrating Hemswell village's former smithy complex, and recognition of the importance of its retention, as indicated by the application for and granting of 2004 planning permission¹ (the 2004 scheme) to retain it as part of a residential conversion, I consider the appeal building to be a NDHA.
4. As the proposal is in a conservation area (CA), I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Hemswell CA, and preserve the Former Blacksmith's Forge NDHA.

¹ Planning Application Ref: M04/P/0684.

Reasons

6. The appeal site is located in the northern part of Hemswell village's CA. The CA is centred around the loop of Church Street, Maypole Street, Brook Street and Dawnhill Lane. The CA has a core stock of historic, typically limestone walled, pantile roofed dwellings, with the church at its heart. The historic building stock dates from the seventeenth to nineteenth century. Mixed in with this is a variety of more recent limestone or brick walled houses.
7. The appeal building is a former blacksmith's forge that dates from around the nineteenth century². It is built of roughly hewn and coursed stone, with red brick detailing to the door and window openings and one of the quoins.
8. Together with the neighbouring former blacksmith's house (FBH) at No 19 Brook Street, the appeal building is part of a former smithy complex. The FBH is a two storey building of coursed stone wall with a pantile roof. Also dating from around the early nineteenth century, the FBH was the residence of the blacksmith who worked the forge at the appeal building. The FBH is on the Schedule of Important Buildings within the Hemswell Conservation Area Appraisal (CAA).
9. The appeal building and the neighbouring FBH illustrate the village's former smithy complex. This complex was apparently in operation from the nineteenth century to around the mid twentieth century. The complex's location facing the eastern end of Brook Street, and as part of a cluster of historic buildings on the approach to the turn of the corner with Dawnhill Lane, contributes to its prominence in the CA.
10. After its cessation in operation as a forge, the appeal building is thought to have been reroofed. The appeal building's residential conversion element of the 2004 scheme has not been implemented.
11. Judging by various building surveys and technical opinion before me and what I saw during my site visit, the appeal building is in a state of some deterioration. There are gaps in its wall at its south-west corner and rear elevation, and in some interior walling. Some timber decay is apparent, and props are in place. Also, the extent to which the building's walls are plumb is open to question. Repairs for future retention of the appeal building may well need to include stabilisation measures, rebuilding of walling, replacement of decayed timbers, chimney brickwork, repointing, roof repair, rainwater goods and drainage work.
12. That said, the main forge structure of the appeal building is extant. Its compact doorways and windows contribute to its intimacy of scale and historic character. Together with these, the remaining fabric of its gallery, fireplace and interior wall compartments contribute to its architectural charisma and illustration of its former forge function. Furthermore, its subordinate scale and mass in relation to the FBH helps to illustrate the architectural hierarchy of the former smithy complex. Also, the appeal building is situated among a group of buildings on the north-eastern part of Brook Street that includes a cluster of attractive coursed stone cottages, dating from between the seventeenth and nineteenth centuries. This cluster is distinctive historic element of the street and CA.

² As indicated by Lincolnshire Historic Environment Record.

13. Given the above, the CA's significance, insofar as it relates to this appeal lies in the historic townscape that reflects Hemswell's village architecture and community from the seventeenth century to the nineteenth century. The appeal building has evidential, historical and communal value. Its special interest, insofar as it relates to this appeal derives from the legibility of its nineteenth century forge architecture, and its illustration of the village's former smithy complex. This contributes to the character and significance of the CA.
14. The removal of the former blacksmith's forge building would result in loss of its combination of historic form and fabric, including its charismatic coursed stone walling style, which is a distinctive characteristic of the host cluster of historic buildings towards the eastern end of Brook Street.
15. Furthermore, compared to the existing former forge building, the proposed new house would come close to doubling the depth of building, increase ridge height by around two fifths and increase building width. This substantial step up in building scale and mass at the appeal site would lead to a ridge height appearing similar to that of the neighbouring FBH. This would lose the modesty and intimacy of scale of the appeal building, its architectural subservience to the FBH, and the legibility of the smithy complex's historic building hierarchy. Also, in combination with the recent neighbouring dwelling to the west, the proposed house would result in a pair of newer houses which would draw the eye from older, historic buildings clustered along the north-eastern part of Brook Street.
16. Furthermore, the rooflights in the street-facing pitch of the new house, and the addition of solar panels to the street-facing roof pitch of the garage would intensify modernity within the streetscene.
17. Consequently, the proposal would noticeably reduce the historic authenticity and continuity of architectural scale, form and character at the appeal site. This would adversely tip the locality's delicate character balance from authentic historic character towards inauthenticity. As such, the proposal would erode the distinctive historic architectural charisma and authenticity of the north-eastern part of Brook Street on a main loop within the CA.
18. The loss of the nineteenth century forge building would result in substantial harm to the NDHA and erode the legibility of the village's former smithy complex. The erosion of Hemswell's historic village architecture would harm the character and appearance of the CA.
19. The identified harm arising from the proposal would be significant, relative to the site and the immediate surroundings of the proposal in the CA. However, the effect would be localised and therefore would constitute less than substantial harm to the significance of the CA as a whole. In such circumstances I therefore necessarily weigh the harm against the public benefits of the proposal.
20. The proposed development would contribute to local housing supply in the form of one three-bedroom dwelling, with associated socio-economic benefits to the area during and after construction. Solar panels on the garage roof would contribute towards sustainable power generation. The proposal would bring new life to an unoccupied site in the village, on which the lack of full

implementation of the 2004 scheme, and the deteriorated condition of the appeal building³, call into question the likelihood of its future conversion.

21. I appreciate the appellant's intention to safely rejuvenate the site and pay homage to the forge building, through the proposed building's design and harvesting of reclaimed materials. However, the public benefits are limited by the scale of proposed development. Moreover, they are tempered by the consideration that, even if rejuvenation of the appeal building through residential conversion were unlikely, it is not decisively demonstrated that the enlarged scale and mass of the proposed building, in comparison to the forge building which it would replace, is the minimum and most sympathetic possible scheme necessary to rejuvenate this site, with its heritage sensitivities.
22. I therefore find the public benefits and do not outweigh the great weight given to the conservation of the CA and the less than substantial harm to its significance which I have identified.
23. To conclude, the proposed development would fail to preserve or enhance the character and appearance of the CA, including failing to preserve the NDHA. As such it would conflict with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan. Together the policies seek to ensure that development is of appropriate design and appearance to conserve or enhance local character and the historic environment. The policies are consistent with the approach of Framework in respect of the desirability of sustaining and enhancing the significance of heritage assets, with great weight given to the asset's conservation.

Planning Balance and Conclusion

24. Bringing matters together, I have found that the proposal would harm the significance of heritage assets. Paragraph 199 of the Framework establishes that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset. Accordingly, I confirm that overall, the benefits of the proposal are insufficient to outweigh the totality of harm which I have identified in relation to the main issue in this case.
25. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR

³ As suggested by the combination of surveyor's opinions presented.



Appeal Decision

Hearing held on 4 May 2022

Site visit made on 4 May 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 May 2022

Appeal Ref: APP/N2535/W/21/3281142

Bleak Farm, Northorpe Road, Scotton, Gainsborough, DN21 3RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) 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 Mr Richard Bussell, Executor of the late John Kirman against the decision of West Lindsey District Council.
 - The application Ref 143045, dated 26 May 2021, was refused by notice dated 16 July 2021.
 - The application sought planning permission for replacement of existing farmhouse with bungalow without complying with a condition attached to planning permission Ref: W89/920/78, dated 21 November 1978.
 - The condition in dispute is No 2 which states that: The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, (prior to retirement), in the locality in agriculture as defined in section 290 of the Town and Country Planning Act 1971, or in forestry or a dependant of such a person residing with him (but including a widow or widower of such a person).
 - The reason given for the condition is: The site is in a rural area where it is the policy of the district planning authority, in the interests of safeguarding the rural character and appearance of the area, not to permit development unless it is required to meet a local agricultural need. Permission has been granted only in the light of local agricultural need.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The emerging Central Lincolnshire Local Plan Review is at an early stage and, having regard to Paragraph 48 of the National Planning Policy Framework (the Framework), I attach limited weight to the policies within it.

Background and Main Issue

3. Planning permission was granted for a detached bungalow as a replacement for an existing farmhouse in 1978 subject to an agricultural occupancy condition in the terms set out in the banner heading above. The appellant seeks to remove the occupancy condition on the basis that the bungalow replaced a previous farmhouse at the site that was not subject to an agricultural occupancy restriction.

4. The main issue is whether condition 2 restricting the occupancy of the bungalow is necessary and reasonable having regard to national and local planning policies and whether there is a demand for an agriculturally tied dwelling associated with the landholding or the local area.

Reasons

Planning Policy

5. The bungalow fronts Northorpe Road, it has a detached garage and a range of agricultural buildings adjacent to it. The property and the agricultural buildings are currently vacant. The appeal site is located beyond the last properties in Scotton village along Northorpe Road and is surrounded by agricultural fields.
6. In 1978 the farm holding consisted of 80 acres of owned land and 80 acres of tenanted land. Since Mr Kirman passed away some of the farmland has been sold, with approximately 9.8 hectares (24.26 acres) being retained and currently farmed under a farm business tenancy.
7. The development plan for the district is the Central Lincolnshire Local Plan (April 2017) (the CLLP) and the Scotton Neighbourhood Plan adopted 28 June 2021. Policy LP2 of the CLLP sets out the spatial strategy and settlement hierarchy for the district. Under Policy LP2, in the countryside development is restricted to, among other things, that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services and proposals falling under Policy LP55.
8. Policy LP55 allows development in a number of circumstances, including part B replacement dwellings provided that the original dwelling has not been abandoned, is not of architectural or historic merit or valuable to the character of the settlement or wider landscape, is a permanent structure, of a similar size and scale and located on the footprint, unless an alternative position would have notable benefits and have no adverse impact on the wider setting.
9. Part D of Policy LP55 supports new dwellings which are essential to the effective operation of those uses identified in Policy LP2 including agriculture. Such applications should be accompanied by evidence of the need for the dwelling having regard to a number of matters and will be subject to a restrictive occupancy condition. Policy 5 of the NP supports residential development outside the developed footprint of Scotton where the criteria in Policy LP55 part D are met.
10. These policies are largely consistent with the Framework where in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Isolated homes in the countryside should be avoided unless one of a number of circumstances apply, including where there is an essential need for a rural worker, to live permanently at or near their place of work in the countryside or the development would re-use redundant or disused buildings and enhance its immediate setting.
11. Further, the Council's spatial strategy and the Framework are broadly consistent with the reason for imposing condition 2 which states that the policy is 'not to permit development unless it is required to meet a local agricultural need'.

12. It was agreed at the Hearing that the bungalow is within the countryside for policy purposes, in an area where dwellings would not normally be permitted except in accordance with Policies LP2 and LP55 and would be termed 'isolated' in the context of Paragraph 80 of the Framework.
13. I acknowledge the appellant's view at the Hearing that Policy LP2 is not relevant to this variation of condition application, because section 73 applications only consider the disputed condition/s and therefore there is no development in the terms set out in section 55 of the Act. However, the outcome of granting a section 73 application would be that a new permission would be created for the same development without the agricultural occupancy condition applied. The effect of removing the condition would be the establishment of an unfettered dwelling in an area of countryside where such development would not normally be permitted. Therefore, as part of the locational strategy for development in Central Lincolnshire, I am satisfied that Policy LP2 is relevant to my considerations here.
14. The appellant contends that as a replacement for the previous farmhouse the bungalow accords with the criteria in Policy LP55 part B and paragraph 80 of the Framework and would be acceptable in principle without the restriction of an agricultural occupancy condition. There are letters of support which set out some of the site circumstances at the time of the 1978 application for the bungalow, and I acknowledge that the description of development refers to the bungalow being a replacement for a farmhouse. Nevertheless, from the limited available information, I cannot establish that the replacement of the farmhouse with the bungalow would have met the requirements of LP55 part B. In addition, the original application was not for the re-use of redundant or disused buildings and therefore could not have met the requirements of Framework Paragraph 80 (c).
15. The appellant has provided recent examples where replacement dwellings have been accepted in the countryside without the imposition of an occupancy condition. However, the criteria of Policy LP55 part B relies on the particular site circumstances. Whilst I accept that there have been sites where replacement dwellings have been supported, and not all these dwellings were on the direct footprint of the original building, as there is insufficient evidence to conclude that the original development at the appeal site would have complied with Part B of Policy LP55, these other decisions are of limited relevance.
16. I saw at my site visit that the bungalow and the surrounding land and buildings associated with it appear appropriate to accommodate an agricultural or forestry worker and any equipment they may own. Further, the appellant confirms that Mr Kirman operated the farm holding until his retirement and always complied with the agricultural occupancy condition. Consistent with the reasons for imposing the original condition, the CLLP sets out that agriculture plays a significant role in the local economy and provision is made in Policy LP55 part D for rural workers who are likely to need to reside in the locality.
17. Consequently, although condition 2 was imposed prior to the publication of the CLLP, the NP and the Framework I am satisfied that, having regard to the available evidence, it still serves a planning purpose in helping to maintain a supply of dwellings for people employed in agriculture and forestry. The existing condition is precisely worded and enforceable. It also remains

necessary and reasonable, as it restricts the occupancy of a dwelling which was permitted having regard to the local agricultural need, as evidenced by the letter from the Agricultural and Development Advisory Service (ADAS)¹, in a location where residential development would not normally be permitted.

Demand

18. The parties agree that there are no policies in the development plan or in the Framework which set out an approach to the removal of agricultural occupancy conditions. Even so, the Council advised the appellant that a marketing exercise for the property would be required to assess whether there is a demand for the agriculturally tied dwelling related to the particular holding or locally. This is an established approach to assessing the demand for such properties.
19. At the Hearing the appellant asserted that the bungalow and associated land and buildings are unsuitable for a new farming business because the land holding is too small to sustain a viable agricultural enterprise. However, little evidence that the land and buildings associated with the bungalow cannot be a viable agricultural proposition has been provided. Given that the site includes 9.8 ha of land and farm buildings, I am satisfied that it is reasonably foreseeable that the land could be used for agriculture. Whilst it may not be a large enough hectareage on its own to support arable farming, there is no evidence that the unit could not operate as a more intensive farm operation or additional land be rented, as per the original farming enterprise.
20. Further, even if the dwelling could not be used in association with the land and buildings for agriculture, in accordance with the terms of condition 2, it is appropriate to consider whether there is a demand for the bungalow with the agricultural occupancy restriction in place in the local area.
21. The appellant considers that it would be unethical to market the bungalow as one of the beneficiaries of Mr Kirman's estate would be occupying the property and there is no intention to sell it. However, as the proposed occupant cannot meet the requirements of the occupancy condition, I see no reason why it would not be appropriate to advertise the property for sale or rent specifying that it is subject to an agricultural occupancy condition. This is not an uncommon practice.
22. Further, in the absence of a marketing exercise, the appellant has not provided any other evidence that the potential for occupation in accordance with the condition has been assessed. The lack of a marketing exercise or any other assessment means that the demand for the property with the occupancy restriction in place remains un-tested.
23. Whilst the Council has no specific policy setting out an approach to the removal of agricultural occupancy conditions, without any evidence, I am unable to conclude that condition 2 is no longer necessary or reasonable.
24. Therefore, overall, I conclude that condition 2 restricting the occupancy of the bungalow is necessary and reasonable and in accordance with national and local planning policies. Further, in the absence of evidence to the contrary, I conclude that it has not been shown that there is a lack of demand for an

¹ Appendix III of the appellant's statement of case ADAS letter dated November 1978.

agriculturally tied dwelling associated with the landholding or the local area. To remove the condition would conflict with Policies LP2 and LP55 of the CLLP and Policy 5 of the NP as set out above. It would also conflict with the Framework.

Other Matters

25. I appreciate that the appellant's remit as the executor of Mr Kirman's estate is to maximise the estate's assets. However, the appellant's role is of limited relevance to the matters before me.

Conclusion

26. For the reasons given above, condition 2 remains necessary and reasonable. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Tori Heaton	DDM Agricultural
David Hardy	Squire Patton Boggs Solicitors

FOR THE LOCAL PLANNING AUTHORITY:

George Backovic	West Lindsey District Council
Martha Rees	West Lindsey District Council
Contanze Bell	Kings Chambers

INTERESTED PERSONS:

Mr Marris
Robert Littlewood



Appeal Decision

Site visit made on 12 May 2022

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal Ref: APP/N2535/W/21/3287616

**Coulson The Bungalow, Saxby Road, Owmbly-By-Spital, Market Rasen
LN8 2DA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Gavin Widdison against the decision of West Lindsey District Council.
 - The application Ref: 142815, dated 7 April 2021, was refused by notice dated 18 June 2021.
 - The development proposed is described as demolition of existing dwelling along with associated outbuildings and erect replacement dwelling with attached garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) has been published. The parties have had opportunity to comment on the engagement of this new policy document in relation to the appeal, and so will not be disadvantaged by my consideration of it.

Main Issue

3. The main issue in this case is whether the proposal would be a suitable replacement dwelling in the countryside, having regard to a) its effect on the character and appearance of the area, and b) the development plan's spatial strategy and rural development policies, with particular regard to size of replacement dwellings in the countryside.

Reasons

4. The appeal site comprises a bungalow, its garden areas, outbuildings and a Nissen Hut. The bungalow's accommodation includes two bedrooms, a bathroom with toilet, kitchen, dining room, lounge and hall. The site is located in countryside beyond the village of Owmbly-By-Spital.
5. From what I saw during my site visit, the landscape visible from much of the site's perimeter is open fields. Also, intervening rural fields, hedges and trees together contribute to a prevailing sense of separation between the village and appeal site, and to the rural character of the locality. The cessation of the pavement from the village at the corner of Fen Road and Saxby Road, together with the site's location beyond the village's name and

- speed limit signage further intensifies the rural character of the area of countryside in which the site is located.
6. As such, notwithstanding some diluting influence on local countryside character of the Crowes Yard workshop/office units development to the east, the appeal site reads on the ground as part of the countryside setting of the south-eastern part of the village.
 7. A prevailing characteristic of this area of countryside setting is its less developed nature, with a predominantly verdant and spacious character, and a relative lack of buildings. These features of the local landscape contribute positively to its rural character. The mainly verdant character of the green burial site (GBS), the entrance to which is opposite the appeal site, helps the GBS blend in with this.
 8. The existing red brick and tiled roof, twentieth century bungalow on the appeal site is relatively plain, functional and modest in scale and appearance. This relative modesty of scale and appearance, together with its established nature goes some way to help the bungalow visually fit into its setting.
 9. I appreciate the appellant's intention to create an aesthetic statement of presence with the proposed house. Such a dwelling may be in harmony with its environs, in terms of form and materials, were it to be located in the village. Also, the developed character of the neighbouring Crowes Yard units to the east would have a modestly diluting influence on the visual impact of the proposed dwelling. The neighbouring group of trees to the north would provide some visual containment of the proposal, along part of one side of the appeal site.
 10. However, the proposed four bedroom detached house with a ground floor and first floor level, and integral double garage would constitute a substantial step up in size and scale of house on the site. Width-wise, the house would stretch across much of the garden's width. The relative modesty of residential building scale and appearance would be lost from the site. In combination with its mass, the house's expanses of 'buttermilk' coloured rendered walls with red brick quoins, red brick chimney stack, variety of roofing profiles, and extensive front and rear fenestration would draw the eye. This combination of factors would result in a substantial house of conspicuous appearance, in its countryside location.
 11. Within the predominantly verdant and spacious countryside setting outside the village, these factors would emphasise the proposed dwelling's presence, and result in a visually jarring intrusion of conspicuous built form within the countryside setting of the village. This would erode, and so fail to respond positively to, the area's predominantly verdant and spacious rural landscape character.
 12. These adverse impacts would be noticeable from a combination of viewpoints on farmland, on Saxby Road and within the site.
 13. Given the conspicuous scale and appearance of the proposed new house, and potential limitation in the screening effectiveness of tree and hedge planting on the site, with seasonal leaf fall and/or pruning, the visually softening effect of landscaping on the proposed development would be limited.

14. As such, the proposal would harm the character and appearance of the area. This would conflict with Policies LP17 and LP26 of the Central Lincolnshire Local Plan (LP), which together seek to ensure that development complements local character, including the setting of settlements.
15. The Central Lincolnshire spatial strategy seeks to concentrate growth on the main urban areas of Lincoln, Gainsborough and Sleaford and in settlements that support their roles, with remaining growth elsewhere in Central Lincolnshire to support the function of other sustainable settlements and help meet local needs¹. As part of this approach, Spatial Strategy and Settlement Hierarchy Policy LP2 of the LP requires that development in the countryside will be restricted to, among other things, proposals falling under policy LP55 of the LP. Criterion d of Policy LP55 Part B requires a replacement dwelling in the countryside to be of 'similar size and scale to the original dwelling'.
16. Together LP Policies LP2 and Policy LP55 Part B align with the aim of ensuring that development in the countryside is sustainable, proportionate and appropriate to its setting². In requiring replacement dwellings in the countryside to be of similar size and scale to the original dwelling, even without specifying a maximum percentage increase, criterion d of Policy LP55 Part B strikes a reasonable balance between specificity and flexibility. This is reflected in its engagement in various other decisions cited in this appeal case, free from substantive demonstration of a lack of policy clarity. As such, the development plan and its policies have appropriately clear purpose and phrasing for it to be evident how a decision maker should react to the development proposal, and are consistent with the Framework.
17. Policy LP55 makes no mention of including existing detached outbuildings in the criterion d calculation. Given this, and their separation from the bungalow, I consider that the existing outbuildings and Nissen Hut on the appeal site do not qualify for inclusion in calculation of whether the replacement dwelling in the countryside would be of similar size and scale to the original dwelling.
18. The proposal would entail replacement of the relatively modest bungalow with a large four bedroom detached house with a ground floor and first floor level, and integral double garage. Compared to the existing bungalow, the proposed building would be more than double the footprint and width, and have an additional floor and greater ridge height.
19. As such, the proposal would result in a replacement dwelling in the countryside that would substantially exceed the size and scale of the existing bungalow. This would fail to meet the requirement of Part B criterion d of Policy LP55 for replacement dwellings in the countryside to be of similar size and scale to the original dwelling. In so conflicting with Policy LP55, the proposal would also not accord with Policy LP2 of the LP.
20. I therefore conclude that the proposal would not be a suitable replacement dwelling in the countryside, in terms of a) its effect on the character and appearance of the area, and b) the development plan's spatial strategy and rural development policies, with particular regard to size of replacement dwellings in the countryside. This would conflict with Policies LP2, LP17, LP26 and LP55 of the LP, as described above.

¹ As per supporting text paragraph 3.2.1 of the LP.

² As set out in supporting text 10.3.1 of the LP.

Other Matters

21. The appellant's appeal statement states that the dwelling would be a self-build. However, the description of development does not include self-build and I have no certainty that it would be such.
22. Various other replacement dwellings are cited by the appellant. These differ from the appeal proposal in that they are either on a different site in a different setting, were deemed of similar scale and size to the original dwelling, have a different planning history, were deemed acceptable in character and appearance terms, or a combination of these factors. This limits the other schemes' equivalence to the appeal scheme. Furthermore, the current appeal proposal has its own setting and circumstances and, as such I shall determine it on its own merits.

Planning Balance and Conclusion

23. The bungalow appears to be in generally well-kept condition, albeit with some evidence of dampness. Given the absence of a detailed timber survey before me, and the concealed nature of some of its timbers I have no certainty of the full extent of reported timber decay at the bungalow. That said, I recognise the proposal would provide a new dwelling, with less likely shorter term need for repair than the older dwelling. Albeit the proposed house would have more property fabric to maintain in the future.
24. The proposal would provide more spacious accommodation, and modern insulation, layout and fixtures for the comfort of occupants, with associated efficient use of land. With its increased ground floor level and additional floor level, it would improve refuge for occupants in the event of flooding. The proposal may entail removal of asbestos³. Planting of trees of native species would add to the biodiversity of the site. Also, the new house would appear to some people as more aesthetically pleasing than the older, plain bungalow and its outbuildings. Albeit, this consideration is tempered by the identified conspicuousness of the proposal and harm to the area's character and appearance.
25. The proposed house would also contribute additional family residential accommodation to the area's housing supply, in the form of a larger dwelling on the site, with two more bedrooms than the existing bungalow. Albeit with the loss of a smaller, more affordable type of rural dwelling.
26. However, the benefits are limited by the scale of proposed development, and would not outweigh the totality of the identified harm and the conflict with the development plan.
27. I therefore conclude that the proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal is dismissed.

William Cooper

INSPECTOR

³ As indicated in section 4.6 of the appellant's Appeal Statement of Case.