

Guildhall Gainsborough  
Lincolnshire DN21 2NA  
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## AGENDA

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

### Planning Committee

Wednesday, 31st January, 2024 at 6.30 pm

Council Chamber - The Guildhall, Marshall's Yard, Gainsborough, DN21 2NA

**Members:**

- Councillor Matthew Boles (Chairman)
- Councillor Jim Snee (Vice-Chairman)
- Councillor Emma Bailey
- Councillor John Barrett
- Councillor Karen Carless
- Councillor David Dobbie
- Councillor Ian Fleetwood
- Councillor Sabastian Hague
- Councillor Peter Morris
- Councillor Tom Smith

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 - To follow**
  - i) **Meeting of the Planning Committee held on 3 January 2024 (To Follow)**
4. **Declarations of Interest**  
Members may make any declarations of interest at this point but may also make them at any time during the course of the meeting.

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

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

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

**6. Planning Applications for Determination**

i) 146729 - 33 West Bank, Saxilby Lincoln (PAGES 3 - 22)

ii) 146823 - Land At, Caenby Road, Caenby, Glentham (PAGES 23 - 46)

**7. Determination of Appeals** (PAGES 47 - 54)

Ian Knowles  
Head of Paid Service  
The Guildhall  
Gainsborough

Tuesday, 23 January 2024



## **Officers Report**

### **Planning Application No: 146729**

**PROPOSAL:** Planning application to raise the ground to 5.90m AOD and increase the width and depth of the existing pond

**LOCATION:** 33 West Bank Saxilby Lincoln LN1 2LU

**WARD:** Saxilby

**WARD MEMBER(S):** Cllr Mrs J Brockway, Cllr P M Lee

**APPLICANT NAME:** Mr Giles Kirk

**TARGET DECISION DATE:** 13/09/2023 (Extension agreed until 2<sup>nd</sup> February 2024)

**DEVELOPMENT TYPE:** Major - Other

**CASE OFFICER:** Ian Elliott

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

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#### **Planning Committee:**

This application has been referred to the Planning Committee at the request of Saxilby Parish Council who consider the development does not comply with the Saxilby with Ingleby Neighbourhood Plan, and following a number of 3<sup>rd</sup> party objections including the Ward Member.

#### **Description:**

The application site is an area of land (12,250m<sup>2</sup>) to the rear of 33 West Bank. The site is covered by overgrown grass and vegetation. It is lower than a lot of the other land around it. The boundaries to the north, east and west are screened by trees and hedging. The south boundary is open. The host dwelling sits to the south with other residential dwellings to the east. To the south is the Fosdyke River (British Waterway/Navigation Canal). Open countryside sits to the north, east and west. The site is within flood zone 2 (medium probability of flooding).

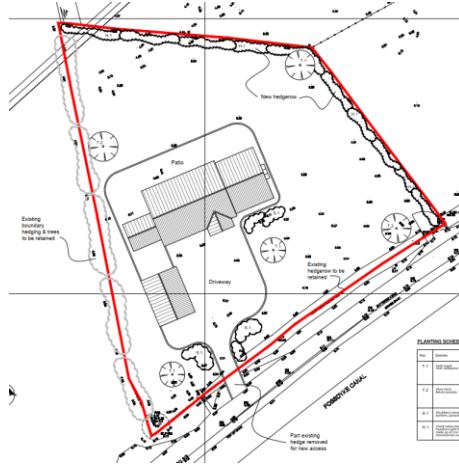
The application seeks permission to reinstate and raise the ground “back to the original levels”. The accompanying Design & Access Statement says “. *It is understood that material has previously been won and the field used as a borrow pit*” but otherwise the application does not appear to offer any empirical evidence of any previous or historical ground floor levels.

The original application applied to change the use of the land to domestic garden space to 33 West Bank but this was removed from the application following agreement from the applicant.

## Relevant history:

144343 - Planning application for removal of existing house and outbuildings replace with 1 dwelling – 11/04/22 - Granted time limit plus conditions

## Approved Site Layout Plan:



## Representations:

Representations made in relation to the application, the substance of which are summarised below (full representations can be viewed online).

### **Cllr Jackie Brockway:** Objection

This application is very serious because the applicant is attempting to raise the levels of what has been a flood plain and boggy ground for more than a hundred years. Residents have advised me that it is recognised as such in very old ordnance survey maps.

The application talks of raising the land to where it was previously, but residents who have lived on West Bank for many years assert that it has always been low as it is now. If this land is raised it will flood the neighbours. At the moment the site is under a lot of water and it is certainly not suitable for raising or development of any kind. It's a flood plain and needs to remain as such.

### **Saxilby Parish Council:** Objection

There is an anticipated impact with amount of HGV movements along West Bank which is a single lane road. There are no passing places. The construction traffic could cause instability of the bank alongside the canal if vehicles try to pass each other.

This will also have an impact at the A57/junction and along Bridge Street to access Westbank. Plus, there are a large number of lorries already accessing the sewerage treatment at the end of West Bank. It can be up to three to four tankers per hour, 24 hours a day if there is a problem.

The surface of the single lane road is already in a bad state of disrepair and has potholes. This is not supported in NDP Policy 17.

We support The Wildlife Trust recommendation of an ecological survey. It is not supported with our council objective of biodiversity.

Great concern over flooding if the land is levelled. – LP14 Local plan.

We would like this application to go to WLDC planning committee so the parish council can speak on behalf of the residents. Very disappointed that there are no detailed reports in the application on such a serious matter.

This application is not supported by the following policies in the Saxilby with Ingleby Neighbourhood development plan (2017):

- Policy 17 Traffic and Movement Around the Village
- Policy 13: Development along the Fosdyke Canal
  - b) Respect and protect the amenity, biodiversity species, wildlife value and recreational value of the Fosdyke Canal.
- Policy LP14 Managing Water Resources and flood Risk

The council does not support this application due to the number of concerns from residents.

**Local residents:** Representations received from:

Objections:

4, 10, 13, 20, 23, 24, 25, 26, 27, 42 West Bank, Saxilby  
The Annexe 25 West Bank, Saxilby  
Fosse Cottage, West Bank  
1 High Street, Saxilby

Petition of 50 signatures (43 addressed from Saxilby and 7 others (walker, dog walker, boat owner))

#### Flooding

- During heavy rainfall paddock adjoining site and rear of bungalows becomes sodden and raising land level would slow drainage process and would impact existing properties
- The site is a recognised flood plain
- If going to take 11,500m<sup>3</sup> to raise level where would 11.5 million litres of water go
- FRA provides no guarantee against flooding
- Area floods every year. Where will the water go?
- If passed and properties flooded who would be liable
- Cause neighbours' gardens and area to flood
- West Bank flood defences over topped yet again today. 2ft of water on road and houses using sandbags to protect property. Land has 1000 litres of water in the marshland
- The site has always been lower than surroundings fields/lane
- The ground at 33 is a clay seam

- If the land level were to be raised where would the water go

#### Highway Safety

- Rough calculation suggests 1,000 trucks would be needed to complete importation of soil along failing lane
- Lack detail on number of vehicles
- Further damage and disruption to West Bank
- Impact on stability/condition of road which continues to deteriorate
- Road is subsiding along canal side and canal bank showing signs of collapse
- Lorries on top of waste centre treatment lorries (1-2 a day to 3-4 an hour) will further degrade bank and road
- West Bank cannot take the amount of traffic
- No passing places for tractors, delivery vehicles etc.
- Pedestrian safety for walkers as nowhere to stand for passing trucks
- West Bank now has sand bags and has been closed for 3 days due to sinkage of the road
- You cannot take 16 lorries a day which is not a minor detail

#### Drainage

- Has the land drainage plan been presented in this planning application to LCC, River and Canal Authority and the Drainage Board.
- No details of drainage.

#### Ecology

- Impact on biodiversity needs clarifying
- It has a diverse range of plant and animal life
- Becomes a wetland over winter and early spring
- S60 Protects biodiversity
- Habitat loss and biodiversity
- Ecology survey needs conducting
- When floods it provides a safe haven for all wildlife such as bats, water fowl, toads, newts and breeding birds
- Crested newts seen in past in immediate area
- Ecology report was deliberately delayed
- Dispute the claim of no ground nesting/roosting birds if the report had been carried in March/April
- The report is a revision of the first but no additional visits have taken place.

#### Trees and Hedging

- Policy S66 – risk of trees (veteran) and woodland cover will be lost

#### Climate Change

- Carbon impact of importation of 11,000 cubic tonnes of material, that is over 100 lorries

#### Residential Amenity

- Traffic noise on 1 High Street, Saxilby

### Other

- The ground is at its original level already
- No evidence of what they call original levels
- Planning creep
- There is an Anglian Water sewerage pipe which runs east to west through the land
- Concern that being raised for large development
- What is going to happen with land – more buildings/dwellings
- House value lost or unsellable
- Mental health issues of residents
- Building on this land would have a disastrous effect on nearby properties

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

Representations received 20<sup>th</sup> December 2023:

Perforated pipes will draw surface water away from neighbouring properties prior to outfall. This, together with the updated Transport Statement, is sufficient in meeting my original requests.

Representation received 6<sup>th</sup> November 2023:

The proposed development is situated off an unclassified road, West Bank. This road runs north of Foss Bank and serves a number of residents, as well as sewage works and a campsite.

A review of the accident data was undertaken to assess the historic road safety performance of the local highway network for the last five years and there were no recorded collisions on West Bank, and given that vehicle parking and turning will take place onsite, highway safety will not be exasperated by the development. The visibility at the access complies with Manual for Streets (MfS). West Bank is an unclassified road, but due to factors including the frequency of junctions, alignment of the road and driver behaviour; visibility in accordance with MfS is deemed appropriate.

The applicant's correspondence indicates an increase of 10 - 15 lorries per day, with 2 at peak times, during the extent of the works only. There is no precise definition of "severe" with regards to NPPF Paragraph 111, which advises 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."

Planning Inspector's decisions regarding severity are specific to the locations of each proposal, but have common considerations:

- The highway network is over-capacity, usually for period extending beyond the peak hours
- The level of provision of alternative transport modes
- Whether the level of queuing on the network causes safety issues. In view of these criteria, the Highways and Lead Local Flood Authority does not



consider that this proposal would result in a severe impact with regard to NPPF.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to Drainage on all Major Applications. This application is located in Flood Zone 2, with potential risk of fluvial flooding from Fosdyke Canal. Surface water runoff will be managed by a land drainage system which will direct surface water to the existing watercourse. The importing of clean inert material will still allow for direct infiltration on the land.

The Environment Agency have reviewed the plans and are satisfied that the raising of ground levels, as proposed, will not have an adverse effect on the flood risk and therefore, have no objections to the planning application. Therefore, the Lead Local Flood Authority does not consider that this proposal would increase flood risk in the immediate vicinity of the site.

To mitigate noise and air pollution a Construction Management Plan will be conditioned. This will also ensure surface water runoff is managed during the works.

Condition:

- Construction Method Plan and Method Statement

Representation received 3<sup>rd</sup> November 2023:

Please request that the applicant show an assessment of the surface water flood risk within the FRA, from raising the ground. Where will the run-off be directed, etc.

**Environment Agency:** No objections with comment

We have reviewed the plans and are satisfied that the raising of ground levels, as proposed, will not have an adverse effect on the flood risk.

**LCC Archaeology:** No objections

**Lincolnshire Wildlife Trust:** No objection subject to conditions

Representation received 6<sup>th</sup> December 2023:

Lincolnshire Wildlife Trust have previously commented on this application and following the most recent revisions of the ecological information with this application we wish to remove our previous holding objection.

The latest Preliminary Ecological Appraisal gives several recommendations as part of the landscaping works. We strongly encourage these are actioned through an appropriate planning condition, particularly that of a habitat creation plant as the biodiversity net gain of the site is predicated on appropriate shrub and wildflower planting as well as ongoing management for the required 30 years following completion.

Representation received 30<sup>th</sup> June 2023:

- There has been no Preliminary Ecological Appraisal (PEA), or equivalent document submitted with this application in breach of Local Plan Policies S60 and S61.
- In its current form, we see no reason why the Proposed Site Plan would not deliver the minimum of 10% Biodiversity Net Gain

**Anglian Water:** Comment

The Planning & Capacity Team provide comments on planning applications for major proposals of 10 dwellings or more, or if an industrial or commercial development, 500sqm or greater. However, if there are specific drainage issues you would like us to respond to, please contact us outlining the details.

The applicant should check for any Anglian Water assets which cross or are within close proximity to the site. Any encroachment zones should be reflected in site layout. They can do this by accessing our infrastructure maps on Digdat. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/development-services/locating-our-assets/>

Please note that if diverting or crossing over any of our assets permission will be required. Please see our website for further information:

<https://www.anglianwater.co.uk/developers/drainage-services/building-over-or-near-our-assets/>

**Canal and River Trust:** No objection subject to a condition

The main issue relevant to the Trust as statutory consultee on this application is the impact on the structural integrity of the canal cutting slope. Advise that suitably worded conditions are necessary to address these matters.

The application site is located to the north of the Fossey Canal that is owned and managed by the Trust. West Bank is an adopted road, which separates the site from the canal. The road is relatively narrow, and there is a risk during development that larger construction traffic associated with the development could run wide onto the crest of the canal cutting when manoeuvring in and out of the site. This could impact the stability of the bank alongside the canal.

The application proposes the importation of 11,480m<sup>3</sup> of material to infill the land associated with a newly built house. Whilst the Flood Risk Assessment provided in support of the application sets out the quantity of material to be imported the Design & Access Statement does not estimate the number of lorry loads this would require, the size of vehicles to be used, or means to prevent lorries turning into/out of the site from leaving the narrow West Bank lane. We therefore advise that consideration is given towards a traffic management plan to prevent vehicles departing the highway while manoeuvring. The incorporation of temporary red/white water filled barriers opposite the construction site entrance during development could be an appropriate measure, for example.

Confirmation of the incorporation of preventative measures could be provided prior to the determination of the application or ensured through the use of an appropriately worded planning condition.

### **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 Saxilby with Ingleby Neighbourhood Plan (made 8<sup>th</sup> May 2017); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

#### Development Plan

- ***Central Lincolnshire Local Plan 2023 (CLLP)***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy  
S5 Development in the Countryside  
S21 Flood Risk and Water Resources  
S47 Accessibility and Transport  
S53 Design and Amenity  
S56 Development on Land Affected by Contamination  
S57 The Historic Environment  
S60 Protecting Biodiversity and Geodiversity  
S61 Biodiversity Opportunity and Delivering Measurable Net Gains

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

- ***Saxilby with Ingleby Neighbourhood Plan (SINP)***

Relevant policies of the NP include:

Policy 2 Design of New Development

Policy 13 Development along the Fosseydyke Canal

Policy 17 Traffic and Movement around the Village

Character Assessment:

The application site falls outside any of the character areas but sits adjacent Area E – High Street and opposite Area C – South of the Canal.

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

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

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

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

## National policy & guidance (Material Consideration)

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

<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 September 2023.

Paragraph 219 states:

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Model Code (2021)**

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

### **Main issues:**

- Principle of the Development  
*Central Lincolnshire Local Plan 2023*  
*Saxilby with Ingleby Neighbourhood Plan*  
*Flood Risk*  
*Concluding Statement*
- Highway Safety
- Surface Water Drainage
- Visual Amenity
- Residential Amenity
- Ecology
- Biodiversity Net Gain

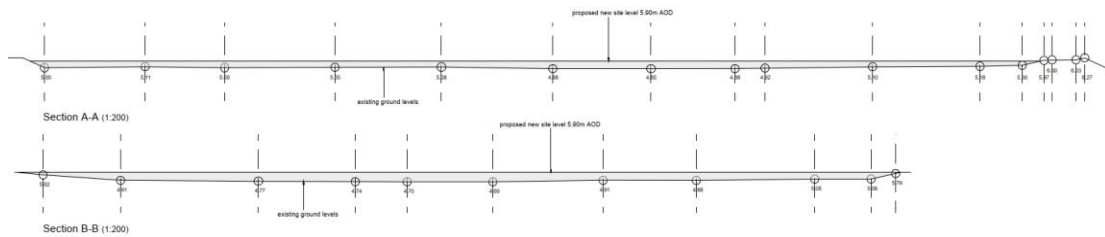
### **Assessment:**

#### 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 2023:*

The application has been submitted to raise the land levels of the site to 5.90 metres Above Ordnance Datum (AOD) See section plan below showing existing/proposed levels:



This would mean land levels being raised from existing levels of at least 4.69m AOD, by 0.9 to 1.21 metres, to achieve the 5.90 metre AOD proposed height.

The application claims this would restore “original levels” and has stated “it is believed in 1938 the material was removed for building the railway”

Local policy S5 of the CLLP comprises a number of parts (A-G) which apply and can be assessed against differing development types in the countryside. It is considered that this particular development does not comfortably fit within any of the parts set out in local policy S5 of the CLLP.

*Saxilby with Ingleby Neighbourhood Plan:*

Policy 2 of the SINP provides criteria on the design of new development including criteria i) which states “*Incorporate flood resilience and resistance measures including, where appropriate, Sustainable Urban Drainage Systems*”.

Policy 13 of the SINP provides criteria for development which sits along and adjoining the Fosseydyke Canal. The application site is on the other side of West Bank therefore cannot be considered along or adjoining the Fosseydyke Canal.

*Flood Risk:*

As already stated the site sits within flood zone 2 (medium probability - Land having between a 1% and 0.1% annual probability of river flooding) and local policy S21 and the National Planning Policy Framework (NPPF) requires a sequential approach towards locating development to areas at lower risk of flooding and the submission of a Flood Risk Assessment (FRA).

An FRA dated 6<sup>th</sup> November 2023 (Revision 2) by Roy Loble Consulting Associates has been submitted. The FRA acknowledges the site is prone to surface water flooding which it states “*are caused by the site being considerably lower than the adjacent land*”. The FRA additionally states “*as part of the land restoration a land drainage system will be installed and the surface water will be directed into the existing watercourse system around the site*” and that “*the raising of the land will remove the existing surface water*

*flood risk as shown and the land will drain as that to the north and east and most of the land to the west.”*

The Lead Local Flood Authority and the Environment Agency have no objections to the development stating that *“We have reviewed the plans and are satisfied that the raising of ground levels, as proposed, will not have an adverse effect on the flood risk”*.

Whilst the land level would be raised the proposed use of the site would be retained as grassed open land in the ownership of 33 West Bank. Therefore, as the use of the land would not change the development passes the sequential test.

Comments and photographs have been received through the consultation process in relation to objections on flood risk grounds. This includes photos of the site recently flooding from rainfall consistently over a number of days.

The FRA acknowledges that the site is currently prone to surface water flooding and collecting on site. Paragraph 4.3 of the FRA states that *“The existing surface water flood extents [-] are caused by the site being considerably lower than the adjacent land where the modelling assumes that there is no drainage. Surface water is shown to “pond” on the site but on the natural land levels to the north and east there is no flooding shown. The low surface water flood risk to the west is in another depression where it is again shown to pond.”*

Paragraph 4.4 of the FRA confirms that a land drainage system would be installed directing water to the existing watercourse system and the land would drain to the north, east and most of the land to the west. Land drainage is considered in the surface water drainage assessment in the next section of this report.

*Concluding Statement:*

It is therefore considered that the proposal passes the flood risk sequential and with a suitable land drainage system would not increase the risk of flooding on the site or elsewhere. The development would therefore be expected to accord with local policy S21 of the CLLP, criteria i) of policy 2 of the SINP and the provision of the NPPF.

Surface Water Drainage

Objections have been received in relation to the drainage of the land. It is clear from comments and photographs submitted that the land holds standing water at times of heavy rainfall.

Criteria k of the flood risk section of local policy S21 of the CLLP requires that:

*“they have followed the surface water hierarchy for all proposals:*

- i. surface water runoff is collected for use;*
- ii. discharge into the ground via infiltration:*

- iii. *discharge to a watercourse or other surface water body;*
- iv. *discharge to a surface water sewer, highway drain or other drainage system, discharging to a watercourse or other surface water body;*
- v. *discharge to a combined sewer;*

Criteria i) of policy 2 of the Saxilby with Ingleby Neighbourhood Plan requires that all new development must “*incorporate flood resilience and resistance measures including, where appropriate, Sustainable Urban Drainage Systems*”.

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.”*

Paragraph 4.4 of the FRA states that “*As part of the land restoration a land drainage system will be installed and the surface water will be directed into the existing watercourse system around the site.”*

A further technical note by Roy Lobley Consulting has been submitted providing details of the proposed land drainage scheme to improve the surface water drainage of the site. Section 2 of the technical note states that:

*“The scheme involves 25 number 80mm perforated lateral pipes running from South to North spaced 4.00m apart across the width of the site. The lateral pipes will then feed into a 100mm perforated main drainage pipe running from East to West. The 100mm pipe will outfall into the existing pond in the North West corner of the site.”*

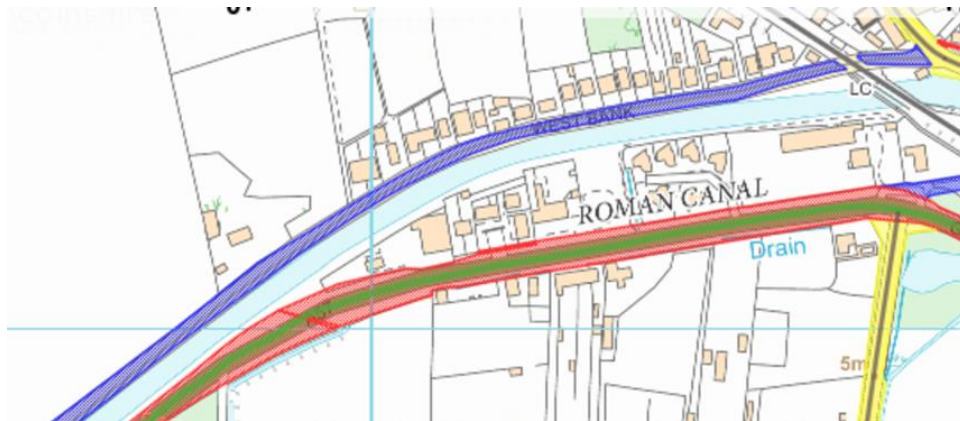
The Lead Local Flood Authority have accepted the land drainage system proposed in the technical note stating that the “*perforated pipes will draw surface water away from neighbouring properties prior to outfall.”*

The proposed development would therefore use a sustainable urban drainage system to drain the land of surface water alongside natural drainage into the land. Therefore, subject to a condition the development would not be expected to have an unacceptable harmful impact on surface water drainage and accords to local policy S21 of the CLLP, policy 2 of the Saxilby with Ingleby Neighbourhood Plan and the provisions of the NPPF.

### Highway Safety

Objections have been received in relation to the impact on the user and condition of West Bank from the deliveries used to complete the raised land level.

West Bank is a single-track publicly maintained highway (see coloured purple on plan below) which serves a number of dwellings primarily off its north boundary before the site.



The proposed development would require a 10-15 deliveries of earth a day to raise the levels of the land to the proposed 5.90 AOD. These would be completed by 8-wheel rigid lorries similar to the example below:



The application has included the submission of a Traffic Management Plan which is summary states:

- 11480 cubic metres/18368 tonne of imported material is required.
- 920 vehicle loads using non-articulated heavy goods vehicles.
- 16 lorries per day with a maximum of 2 at peak times.
- Delivery and collection hours of 08:00 – 17:00 weekdays and Saturdays 08:00-12:30.
- Wheel washing facility will be used.
- Access from the existing gate.
- Turning and manoeuvring will be within the site.
- No delivery/materials left outside the site.
- Vehicles will be routed from Mill Lane, down Queensway and onto West Bank and return using the same route.
- There is a potential for dust emission from moving vehicles within site, on hot dry periods, if any visible dust can be seen, all movement of vehicles



shall halt, until all traffic areas are damped with water to stop any further dust emissions.

The traffic management would be required to be conditioned on the permission and would need to be adhered to throughout the development.

Access to the site would be via an existing wide access to the dwelling which is currently under construction adjacent the site. Plan A1/01 identifies plenty of room for the delivery lorries to turn into the site, turn around and exit the site safely in a forward gear.

No objections have been received from the Highways Authority at Lincolnshire County Council.

It is considered that the proposed development subject to conditions would not be expected to have an unacceptable harmful impact on highway safety and would be expected to accord with local policy S47 of the CLLP, policy 17 of the SINP and the provisions of the NPPF.

#### Visual Amenity

Local policy S53 of the CLLP sets out 10 criteria based on design and amenity. It is considered that criteria 1 (Context), 2 (Identity), 3 (Built Form), 5 (Nature) and 8 (Homes and Buildings) of S53 are the most relevant to the development.

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

The proposed development would purely raise the level of the land and would not include any new structures. The site would therefore have the same appearance albeit at a raised level.

It is not considered that the proposed development would have an unacceptable harmful visual impact on the site or the surrounding area and would therefore accord to local policy S53 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

#### Residential Amenity

The nearest dwelling to the site is 27 West Bank which sits to the east. The west boundary of 27 West Bank and the east boundary of the site are separated by a track which leads to the field/paddock and stable building to the rear.

It is considered that the proposed development would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings. The proposed development would therefore accord to local policy S53 of the CLLP, policy 2 of the SINP and the provisions of the NPPF.

## Ecology

### *Protected Species:*

Policy S60 of the CLLP states “*all development should:*

- a) *protect, manage, enhance and extend the ecological 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;*
- b) *minimise impacts on biodiversity and features of geodiversity value;*

This application on the request of the case officer has included a Preliminary Ecological Appraisal (PEA) by CBE Consulting dated 29<sup>th</sup> October 2023 (Version 1 – P2814/1023/01) and an updated PEA (Version 2 – P2814/1223/01). In summary section 4 of version 1 and version 2 sets out the same pre-cautionary measures and recommendations:

### Birds

- Vegetation removal or hedgerow sections needed to be trimmed back should be done outside of nesting season or preceded by an ecologist check to ensure no nesting birds are present.

### Reptiles

- Inspection by hand of timber pile identified within site supervised by ecologist.

### Amphibians

- Seasoned pond and vegetation immediately surrounding this should be inspected to search for amphibians by an ecologist as a precaution prior to any works being started.

### Hedgehog and other mammals

- A construction methodology that protects these species from accidental harm should be implemented within the site area.

### General Observations

- Hedgehog and reptile refugia should be constructed in suitable locations close to the northern boundary.
- A habitat creation scheme should be prepared to enhance the biodiversity and wildlife potential around the existing seasonal pond.
- Native shrubs should be used to provide habitat around the pond area.

The proposed development subject to conditions would therefore not be expected to have an unacceptable harmful impact on protected species accords to local policy S60 of the CLLP and guidance contained within the NPPF.

### *Biodiversity Net Gain:*

Local policy S61 of the CLLP requires “*all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management*”. Local policy S61 goes on

to state that *“All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England’s Biodiversity Metric”*.

A Biodiversity Net Gain (BNG) excel spreadsheet calculated on Natural England’s Biodiversity Metric 4.0 has concluded that the development would provide a 12.63% BNG for habitat units.

The 12.63% BNG would be provided by other neutral grassland, mixed scrub and improvements to the existing pond in the north west corner of the site.

The Lincolnshire Wildlife Trust Officer has removed the holding objections subject to *“appropriate planning condition, particularly that of a habitat creation plant as the biodiversity net gain of the site is predicated on appropriate shrub and wildflower planting as well as ongoing management for the required 30 years following completion”*.

The proposed development would therefore exceed the 10% Biodiversity Net Gain target and would accord with local policy S61 of the CLLP and guidance contained within the NPPF.

### **Other Considerations:**

#### Contamination

The proposed development would involve a significant amount of earth/soil brought to the site to raise the land to the proposed level. It is important that the material imported to the site is safe and free of contamination so it would be reasonable and necessary to add a condition requiring details prior to commencement of works.

#### Canal and River Trust

The Canal and River Trust have replicated comments made in application 144343 and 145919 in relation to the potential impact of the construction phase on the stability of the River Bank. Protective measures are recommended.

This recommendation from the Canal and River Trust was not responded to in the application 144343 but in application 145919 the report stated *“whilst their comment is acknowledged it would not be considered reasonable or necessary to condition protective measures, however an advisory note would be added to the permission.”* This approach is considered acceptable and would be consistent with previous applications.

#### Pre-commencement Conditions

The applicant has agreed in writing to the three pre-commencement conditions (No. 2, 3 and 4) recommended at the end of this report.

**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:** 5<sup>th</sup> January 2024

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

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

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

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

2. No development must take place until details of the material used to raise the land levels have been submitted to and approved in writing by the Local Planning Authority. The material must be a clean inert material and appropriately certificated as contaminant free. The infilling of the site must be completed using the approved material.

Reason: To ensure that material brought onto the site is appropriate and will not contaminate the site to accord with the National Planning Policy Framework and local policy S56 of the Central Lincolnshire Local Plan 2023.

3. No development must take place until the following details have been submitted to and approved in writing by the Local Planning Authority:
  - Position and type of reptile refugia
  - Position and type of hedgehog refugia
  - Construction methodology for the protection of hedgehogs and other mammals

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy S60 and S61 of the Central Lincolnshire Local Plan 2023.

4. No development must take place until a 30-year Biodiversity Net Gain Management and Maintenance plan has been submitted to and approved in writing by the Local Planning Authority. The development must be completed in strict accordance with the approved Management and Maintenance plan.

Reason: To ensure the biodiversity net gain measures are maintained for a 30-year period to accord with the National Planning Policy Framework and local policy S60 and S61 of the Central Lincolnshire Local Plan 2023.

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

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

- A1/L01 Rev F dated May 2023 – Site Plan, Land Sections, Pond Sections and Land Drainage Details

The land levels must not be raised any higher than 5.90 metres Above Ordnance Datum as identified on the plan listed above and all other works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S53 of the Central Lincolnshire Local Plan 2023 and Policy 2 of the Saxilby with Ingleby Neighbourhood Plan.

6. The development must be completed in strict accordance with the surface water land drainage scheme identified in Technical Note 01 (RLC/1183/TN01) by Roy Lobley Consulting dated 19<sup>th</sup> December 2023. The approved scheme must be maintained and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development to reduce the risk of flooding and to prevent the pollution of the water environment to accord with the National Planning Policy Framework and local policy S21 of the Central Lincolnshire Local Plan 2023.

7. The development hereby approved must be completed in strict accordance with Traffic Management Plan received 12<sup>th</sup> December 2023.

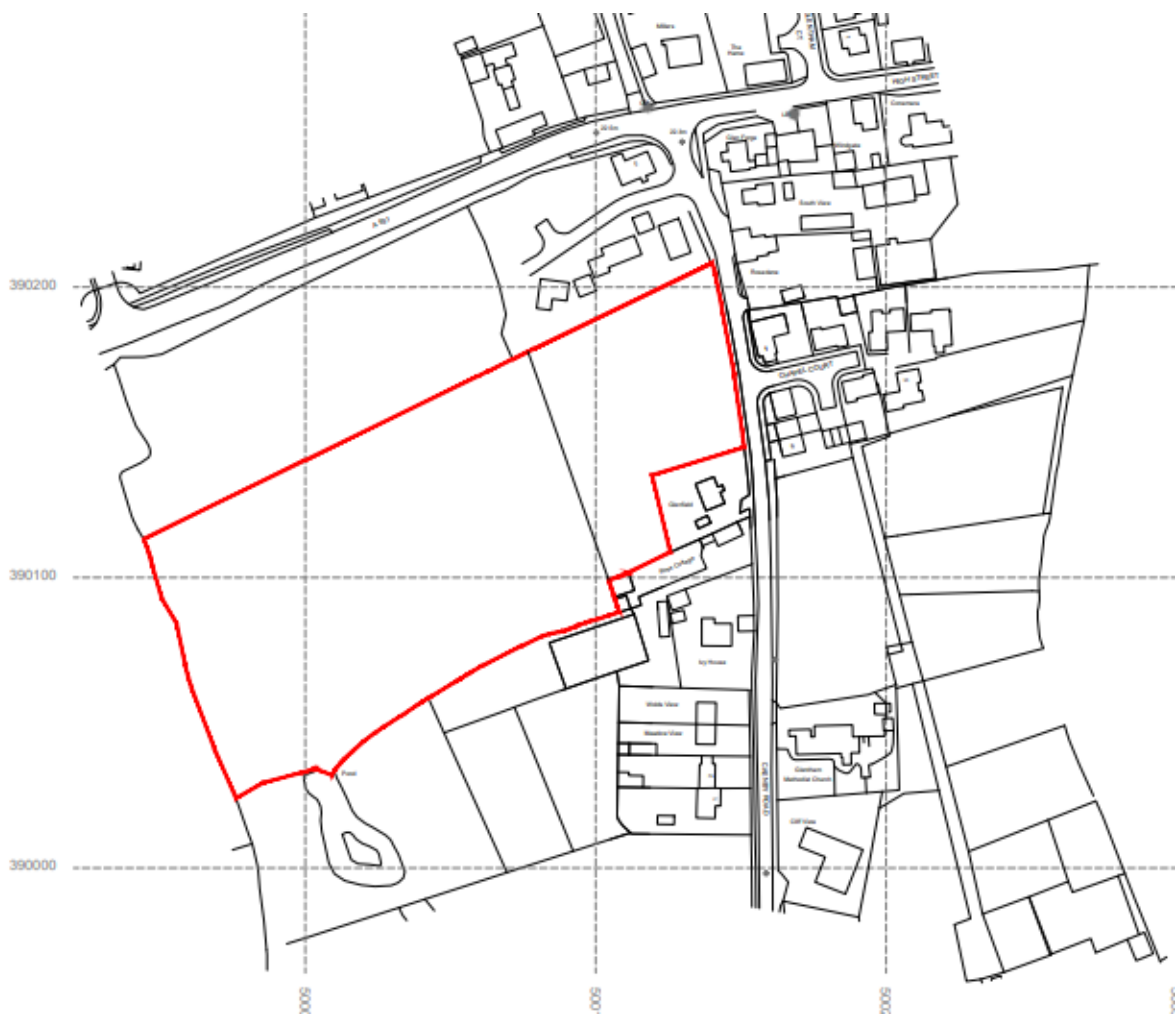
Reason: To manage the routing of traffic and delivery of earth to the site to accord with the National Planning Policy Framework, local policy S47 of the Central Lincolnshire Local Plan 2023 and Policy 17 of the Saxilby with Ingleby Neighbourhood Plan.

8. Apart from the biodiversity measures listed in condition 4 of this permission, the development hereby approved must only be carried out in accordance with the recommendations set out in section 4.3 and the landscape specification (excluding hedgehog refugia) set out in appendix 4 of the Preliminary Ecological Appraisal by CBE Consulting dated 4<sup>th</sup> December 2023.

Reason: In the interest of nature conservation to accord with the National Planning Policy Framework and local policy S60 and S61 of the Central Lincolnshire Local Plan 2023.

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

NONE



## **Officers Report**

### **Planning Application No: 146823**

**PROPOSAL:** Planning application to erect 2no. dwellings, detached garage, stables with manege, construction of vehicular access and change of use of agricultural land to a paddock- resubmission of 145745

**LOCATION:** Land At Caenby Road Caenby Glentham

**WARD:** Waddingham and Spital

**APPLICANT NAME:** Mr Andrew Burkitt

**TARGET DECISION DATE:** 02/02/24

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

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

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**This application has been referred to the Planning Committee for determination, following the objections received from Glentham Parish Council and Local Residents on planning matters.**

**Description:** The site is a grass field located between dwellings on Sunnyside, Caenby (2 storey detached dwellings) to the north and Glenfield, Caenby Road, Caenby (a detached bungalow) to the south. Directly to the east of the site on the other side of Caenby Road are dwellings located within the Parish of Glentham (mainly 2 storey detached dwellings). To the west of the site is open countryside. There is a Grade II Listed Building (Rose Cottage, Caenby Road) located approximately 25 metres to the south of the site.

The application seeks permission to erect 2no. detached 4-bedroom 2-storey dwellings that follow the building line set by Glenfield and Rose Cottage to the south. The dwellings proposed front elevation is the west elevation facing onto Caenby Road from which both of the dwellings are accessed via one access point which leads to off-road car parking and turning areas for Plot 2 located at the northern end of the site (Plot 2 also has a double garage in its rear range) and Plot 1 located at the southern end of the site which also has a large detached 1.5 storey triple garage (with games room on the first floor) located to the north of Plot 1 close to the boundary with Plot 2. Each dwelling benefits from a large amount of outside amenity space around each of the dwellings, in particular to the front (east) and to the rear (west).

It is also proposed to erect a manège to the rear (west) of Plot 1 and a single storey stable block to the south west of Plot 1 for the use of Plot 1 and to change the use of an agricultural field further to the west to a paddock for the use of Plot 1. This part of the proposal is for the personal use of Plot 1 and is not indicated to be for a commercial use and as such the application has been assessed on this basis.



Amended plans have been received changing the red line to include the aforementioned paddock which will include a wildflower meadow. The amended plans also now have the correct scale and reduce the size of the proposed stable block.

**Relevant history:**

**W17/707/93** - Outline planning application to erect one bungalow and construct a vehicular access. Refused 21/10/93.

Site on the other side of Caenby Road (approximately 15 metres to the south east):

**146628** - Planning application to erect 2no. detached bungalows with detached garages & 1no. detached bungalow with attached garage. Granted 05/10/2023.

**Representations received (in summary):**

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

**Sir Edward Leigh MP:** I share my constituent's objections [Rose Cottage, Caenby Road, Glenthams] to the applications, specifically in regards to the impact on the countryside and indeed the already overstretched infrastructure.

**Caenby Parish Meeting:** No representations received to date.

**Glenthams Parish Council:** Objects to this proposal on the grounds that it will alter the shape and nature of the village. The height of the proposed houses is too high and is not in keeping with surrounding properties. There is also concern regarding lighting to the menage.

**Local residents:** Glenfield, Ivy House and Rose Cottage, Caenby Road and The Cottage, High Street, Caenby - Object for the following reasons:

- The application site is within the hamlet of Caenby and is not supported by Local Plan policies or a Neighbourhood Plan.
- The site is listed as very good in the Agricultural Land Classification map.
- Where does the development footprint of Glenthams within Caenby cease due to the boundary situation between the two parishes and the development footprint Caenby within Caenby starts?
- If this application (146823) is granted it will set a precedent/consensus accepted that the Glenthams development footprint is within Caenby and will further add to continuous footprint of dwellings to Moat Farm
- Even if the consensus development footprint view is accepted, Glenthams is well beyond its development quota/allotted growth level in the CLLP, as is Caenby.
- Finally, the infrastructure, water, power, foul drain, telephone, footpaths, entrances onto road etc, is a real issue as well, along with

ensuring the shrunken settlement Caenby in relation to Glenthams is recorded and effect on setting of Listed Buildings.

- If this application is allowed to proceed (and 146628) then a precedent is set regarding future expansion into green space in Glenthams and/or Caenby.
- We have concerns regarding the impact on wildlife habitat. Both sites (146823 and 146628) have been in permanent pasture for many years. How can Biodiversity Net Gain be achieved? Both sites have mature trees and hedgerows on/around boundary lines so one would assume an Arboriculture Survey would be required, not to mention an Archaeological Survey prior to ground being disturbed.
- Will affect the setting of the Grade II Listed Rose Cottage.
- Due to the close proximity of the site to our property we too share the concerns of our immediate neighbours as to whether or not this truly is a residential application or if the intention is to run a business from the site in due course. The proposed stabling for half a dozen horses as well as parking for 6 vehicles would seem to indicate the latter, in which case the potential increase in traffic, noise and light pollution (if the intended ménage is to be floodlit after dark) would urgently need to be addressed.
- The stable block and ménage will have problems of access from plot 1 of the proposal. 6 stables in an enclosed yard will need vehicle access for services and storage as well as for the horses. The ménage is also considerably bigger than the other one located to the south of the property. Access to the stables is very narrow and restricted against our western boundary.
- It would appear that the stables and manège is being attached to the planning for enhancement and amenity for the building proposal and should not be considered as an integral part of the planning application.
- The proposal for 2 properties in ribbon development to the high way is another issue.
- The site is not infill as it is for 2 dwellings.
- Is part of the application a business venture? Will conditions limiting any business activity be used?
- I would also ask that it is considered that as the application is not just residential but requires an application for a change of use from agricultural to equine facility (stabling horses with an exercise arena are not deemed to be agricultural), the evidence being the manège and stable block for 6 horses.
- As an 'average horse' produces 20.4 kg of manure every day, 6 horses will produce 45 tonnes annually. The application shows no consideration to the siting and the run off of any hard standing required for a 'muck heap'.
- The environment agency has published guidance on horse manure management and there is an active water well within 50 metres of the proposal at Ivy House and the Environment Agency should be asked to comment.

- The proposal offers no consideration for horse transport parking for 6 horse boxes and/or trailers, as well as no consideration for where vets, farriers, dentists, horse therapists or riding instructors will park, or any area designed to provide their services from.
- The amended stable block drawing has no section and does not show the construction of the hard standing or drainage details.
- The conversion from agricultural to an equestrian business will lead to noise and light pollution into our property – garden, bedroom, and kitchen - which will dramatically affect our quiet enjoyment, and impact on the value of our property.
- In reference to the muck heap, the applicant states that this is “domestic”, please define domestic; which of the domestic properties on the plan is this linked to?
- The applicant states that fencing of the paddocks will be made out of traditional equestrian fencing “pieces of rope and plastic poles”. Traditional equestrian fencing is post and rail as detailed on the application proposal for around the ménage. The field is currently not stock proof and allows for access onto neighbouring gardens and the road.
- There has been constant building work in the vicinity of our home over recent years.

**LCC Highways/Lead Local Flood Authority:** The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and the proposal would therefore not result in an unacceptable impact on highway safety. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network or increase surface water flood risk and therefore does not wish to object to this planning application. Two informatives and a condition are suggested.

**LCC Archaeology: 03/07/2023:** The site area within the red line boundary is located on the edge of the shrunken medieval settlement of Glenthams and earthworks associated with it have been recorded. The earthworks might have been eroded since they were recorded, but this does not preclude the potential presence of below-ground archaeology.

Due to the site’s location on the edge of a shrunken medieval settlement, and the existence of earthworks, there is high potential for below-ground archaeological remains. I would therefore recommend that further information is provided by the applicant prior determination. A trial trench evaluation should be carried out which will aim to identify the presence/absence, significance, character, depth and date of any archaeology present within the site and provide clear evidence for an appropriate mitigation strategy if necessary and if consent is subsequently granted. An appropriate written scheme of archaeological investigation should be submitted to and approved by the Local Planning Authority before trenching commences.

Trenching results are essential for effective project risk management if permission is granted. Failing to adequately evaluate a site of this nature at an early stage could lead to unnecessary destruction of heritage assets, potential programme delays and excessive cost increases that could otherwise be avoided.

I believe that this is necessary to allow an informed planning recommendation and should be undertaken to meet the requirements of the National Planning Policy Framework (NPPF) paragraph 205.

Further comments received 11/12/2023: I will not be recommending any archaeological conditions to the above application, as the report provided [Archaeological Evaluation, Neville Hall, December 2023] shows an absence of archaeological remains of significance in the site area.

**Conservation:** I appreciate the reduction in size of the stables to reduce the impact to the setting of Rose Cottage. I have no objection to this application subject to the typical condition for external materials, including the fencing.

**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 2023).

**Development Plan:**

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S4: Housing Development in or Adjacent to Villages

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

Policy S67: Best and Most Versatile Agricultural Land

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

### Neighbourhood Plan

No plan currently being prepared.

### National policy & guidance (Material Consideration)

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2023.

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

- **National Planning Practice Guidance**

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

- **National Design Guide (2019)**

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

- **National Design Code (2021)**

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

### LB Legal Duty

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

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

### **Main issues**

- Principle of Development
- Residential Amenity
- Visual Impact
- Highway Safety and Car Parking
- Listed Building
- Archaeology
- Foul and Surface Water Drainage
- Landscaping and Boundary Treatments
- Ecology & Biodiversity
- Climate Change/Energy Efficiency
- Other Matters

### **Assessment:**

#### Principle of Development

- a) The erection of two dwellings

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

Policy S1 of the Central Lincolnshire Local Plan (CLLP) provides a hierarchy of settlements within West Lindsey. Glentham is situated within Tier 6 of the settlement hierarchy and is therefore a 'Small Village' which is described as a village having between 50 and 249 dwellings as of April 1<sup>st</sup> 2018. Subject to the principles in Policy S4, the development of dwellings within Tier 6 settlements is considered to be acceptable in principle providing that it meets the definition of both an 'appropriate location' and is located within the 'developed footprint'. It is important to initially assess where the site sits within this hierarchy.

The 'developed footprint' is referenced in Policy S1 with the full definition being set out in the glossary and is defined as a '*settlement is defined as the continuous built form of the settlement and excludes:*

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

In addition, the term '*appropriate locations*' is referenced throughout Policies S1 and S4, including for applications that may relate to Tier 6 (Small Villages) of Policy S1. Development of up to five dwellings in Small Villages such as Glentham may be acceptable in principle under Policy S4 provided that it is located within the 'developed footprint' and is within an 'appropriate location' which is defined by the CLLP as:

*Appropriate locations mean a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan. 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.*

Although the site is situated within the administrative boundary of Caenby Parish, the spatial relationship of the surrounding built development is much more physically related to the developed footprint of the village of Glentham.

For the purposes of this planning assessment and policy S1 it therefore falls to be considered against the definitions of *developed footprint* and *appropriate locations*, rather than administrative boundaries.

This is consistent with the approach previously taken on planning application 146628, to the south-east of the application site.

The proposed dwellings would follow the building line established by Glenfield and Rose Cottage to the south and this part of the arable field where the two proposed dwellings are located relates more to the continuous built up area of the settlement than the countryside. Given that the site would be bound by built development on three sides (to the north, south and to the east), it is reasonable to conclude that the site falls within the continuous built up area of the settlement. It is concluded that the site does fall within the “developed footprint” of Glentham.

Whether the development is acceptable in principle therefore hinges on whether the site can be considered an *appropriate location* for the purposes of the CLLP. Taking each criteria of an *appropriate location* in turn; firstly, it is considered that the proposed development would retain the core shape and form of development. It would constitute an infill development between dwellings on Sunnyside, Caenby to the north and Glenfield, Caenby Road, Caenby to the south and would not unacceptably deviate from the established urban grain of Caenby Road that does not have a clear overriding character and contains a broad array of house types, architectural styles and materials. Whilst there would be a loss of view of the immediate countryside, loss of view in itself is not a material planning consideration and cannot be afforded any weight. The visual impact of the development would be localised and there is no statutory or non-statutory designations that afford the site special protection. It is therefore considered that the site is an appropriate location and subject to the compliance with Policy S4, would be acceptable in principle. Policy S4 states that development would be supported in principle provided that it would comply with the following:

- a) *preserve or enhance the settlement’s character and appearance;*
- b) *not significantly harm the character and appearance of the surrounding countryside or the rural setting of the village; and*
- c) *be consistent with other policies in the development plan.*

The first two criteria have been assessed above and it has been determined that the proposal would not unacceptably harm the character and appearance of the settlement or the wider landscape character in principle.

The proposed garage, stables and ménage associated with and for the personal use of Plot 1 are considered to be located within the curtilage of this dwelling and are also considered to be acceptable in principle.

The other relevant policies in the development plan will be assessed in the remainder of this report but it is considered that the proposal for two dwellings is acceptable in principle.

b) Change of use of agricultural land to paddock

It is also proposed to change the use of agricultural land to a paddock immediately to the west of Plots 1 and 2. This part of the proposal which will be used in association with Plot 1 (for the personal use of occupants of this dwelling) is considered to be located in the countryside. Under Policy S5 (Part E) of the Central Lincolnshire Local Plan proposals such as this will be supported providing the rural location of the enterprise is justifiable and it is suitable in terms of its accessibility and would not conflict with neighbouring uses.

It is considered that this recreational use (a paddock for horses) needs such a countryside location and it is unlikely to have an unacceptable impact upon accessibility, the rural landscape or neighbouring properties (as considered below).

It is therefore considered that this part of the proposal is also acceptable in principle. If it is minded to grant permission an appropriate condition will be attached to the decision notice restricting the use of the stable block, manège and paddocks for the purposes of keeping of horses in conjunction with the private use of the land (Plot 1), and shall not be used for any commercial purposes.

Residential Amenity

Local Plan Policy S53 states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare. It further states that development must provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.

The application seeks permission to erect 2no. detached 4-bedroom, 2 storey dwellings that follow the building line created by Glenfield and Rose Cottage to the south. The dwellings proposed front elevation is the east elevation facing onto Caenby Road from which both of the dwellings are accessed via one access point which leads to off road car parking and turning areas for Plot 2 located at the northern end of the site and Plot 1 located at the southern end of the site which also has a large detached 1.5 storey triple garage (with games room on the first floor) located to the north of Plot 1 close to the boundary with Plot 2. Each dwelling benefits from a large amount of outside amenity space around each of the dwellings, in particular to the front (east) and to the rear (west).

Plot 1 has a maximum eaves height of approximately 6.1 metres and a ridge height of 9 metres. Its associated garage has a maximum eaves height of 3.1 metres and a ridge height of 5.9 metres. Plot 2 has a maximum eaves height of approximately 5.3 metres and a ridge height of 8.4 metres.

The proposed dwellings are set in large plots with large separation distances to neighbouring dwellings (and between the plots themselves) and therefore



there are no expected issues of loss of light or over dominance. The proposed garage on the northern boundary of Plot 1 owing to its scale and the separation distance to Plot 2 further to the north will also be unlikely to present issues of loss of light or over dominance.

The front (east) elevation of Plot 1 will overlook the large front garden afforded the proposed dwelling with Caenby Road beyond and the nearest dwelling to the east being approximately 24 metres from this elevation. The rear (west) elevation of Plot 1 will overlook the large rear garden afforded the proposed dwelling with the proposed manège and paddocks beyond.

The south (side) elevation of Plot 1 will have a set of two French doors and 3 windows at ground floor level which will overlook the garden of the proposed dwelling with boundary treatments beyond. The first floor will have five windows and the side elevation of the balcony which is located off the rear (west) elevation of the dwelling. The two first floor windows to secondary rooms (bedrooms 3 & 4) in the main body of the proposed dwelling are located approximately 15.5 metres from the north (side) elevation of Glenfield, Caenby Road to the south and the other three first floor windows on the south elevation to secondary rooms (bedroom 1) in the rear wing are located approximately 20.6 metres from the north (side) elevation of Glenfield, Caenby Road to the south and 12 metres at the closest point from the southern boundary of the site (the end of the rear garden of Glenfield). The small side elevation of the balcony (approximately 1.5 metres in width) is located approximately 11.5 metres from the southern boundary of the site (the far end of the rear garden of Glenfield).

The north (side) elevation of Plot 1 will have a door and four windows at ground floor level which will look over the driveway of the proposed dwelling and its garage to the north and boundary treatments on the northern boundary. The first floor will have four windows to secondary rooms which will look over the proposed garage to Plot 1 to the north or the side (south) elevation of Plot 2 which is located approximately 18 metres to the north. The small side (north) elevation of the balcony (approximately 1.5 metres in width) which is located off the rear (west) elevation of the dwelling will overlook the driveway and garden of the proposed dwelling and is located approximately 14.3 metres from the northern boundary of the site

The proposed garage to Plot 1 in its front (south) elevation will have a set of three garage doors and a door at ground floor level and two dormer windows and a roof light at first floor level which will look over the driveway to the proposed dwelling with the north elevation of Plot 1 beyond. The rear (north) elevation will have a door at first floor level which will look over the boundary treatments to the north and two roof lights and the west and east (side) elevations will have no openings.

The front (east) elevation of Plot 2 will overlook the large front garden afforded the proposed dwelling with Caenby Road beyond and the nearest dwelling to the east being approximately 21 metres from this elevation. The rear (west)

elevation of Plot 2 will overlook the large rear garden afforded the proposed dwelling with the proposed paddock beyond.

The south (side) elevation of Plot 2 will have two sets of bi-fold doors, two garage doors and a doors at ground floor level which will overlook the garden and driveway of the proposed dwelling with boundary treatments beyond.

The north (side) elevation of Plot 2 will have two windows at ground floor level which will overlook the garden of the proposed dwelling with boundary treatments beyond.

It is therefore considered that the proposed dwellings and garage will not harm the living conditions of future occupiers of the proposed dwellings or the residential amenity of neighbouring occupiers in compliance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan

It is also proposed to erect a manège to the rear (west) of Plot 1 (for the personal use of this dwelling and not a commercial use) and to the rear (west) of the large rear garden of Glenfield, Caenby Road. No flood lights are proposed and if it is minded to grant permission an appropriate condition will be attached to the decision notice to prohibit the use of flood lights or external lighting.

A single storey wooden stable block (approximately 2.7 metres to the eaves and 4.1 metres to the ridge) with two stables and a tack room is also proposed to the south west of Plot 1 for the use of Plot 1 (and not for a commercial use). The stable block is located to the rear (west) of the large rear garden of Glenfield, Caenby Road and to the north of the large rear garden of Rose Cottage, Caenby Road. The only openings proposed are in the north elevation of the proposed dwelling looking towards the proposed ménage to the north.

It is also proposed to change the use of agricultural land to the west of the Plot 2, the proposed manège and the stable block to a paddock for the use of Plot 1 (and not for a commercial use). If it is minded to grant permission an appropriate condition will be attached to the decision notice limiting the use of the ménage, stable block and paddock for the purposes of keeping of horses in conjunction with the private use of the land, and shall not be used for commercial premises.

It is therefore considered that the proposal as a whole will not harm the residential amenity of neighbouring occupiers or the proposed dwellings in compliance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

#### Visual Impact

Local Plan Policy S53 states that all development *'must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all.'* Development must *'relate well to the site, its local and wider context and*

*existing characteristics including the retention of existing natural and historic features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area'. It further states that development should 'contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness', and should 'be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme.'* In addition, development must *'achieve a density not only appropriate for its context but also taking into account its accessibility.'*

The application seeks permission to erect 2 detached 4 bed 2 storey dwellings that follow the building line created by Glenfield and Rose Cottage to the south. A large 1.5 storey garage is also proposed for one of the plots.

The dwellings are located in large plots and have the benefit of large front and rear gardens and are of a traditional design with Plot 2 to the north taking its design from traditional agricultural barns and Plot 1 to the south taking its design from a traditional 2 storey dwelling.

Plot 1 has a maximum eaves height of approximately 6.1 metres and a ridge height of 9 metres. Its associated garage has a maximum eaves height of 3.1 metres and a ridge height of 5.9 metres. Plot 2 has a maximum eaves height of approximately 5.3 metres and a ridge height of 8.4 metres. There are two storey dwellings to the north and east of the site with the dwellings to the north having an eaves height of approximately 5 metres and a ridge height of 7.8 metres.

Plot 1 is set back approximately 14.3 metres from the front (eastern) boundary of the site and Plot 2 is set back approximately 15 metres from this boundary. Plot 1 is located approximately 15.5 metres from the north (side) elevation of Glenfield, Caenby Road to the south which is a bungalow. It is considered that the scale of the proposed dwellings will not look out of place as they are set back from Caenby Road and are located in large plots with large separation distances to neighbouring dwellings.

In terms of materials stone is proposed for the walls of proposed dwelling and the garage, with a pantile roof for Plot 2 and a slate roof for Plot 1 and its garage. Stone is to be found on the dwellings to the east of the site as well as pantile roofs and slate effect roofs are to be found on the dwellings to the north of the site. If it is minded to grant permission appropriate conditions will be attached to the decision notice in terms of materials and boundary treatments.

It is considered that the scale and appearance of the proposed dwellings would not have an unacceptable harmful impact on the site or the street scene and accords to Local Policy S53 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

As previously stated, It is proposed to erect a manège to the rear (west) of Plot 1 and to the rear (west) of the large rear garden of Glenfield, Caenby Road and to erect a single storey wooden stable block located to the rear (west) of the large rear garden of Glenfield, Caenby Road and to the north of the large rear garden of Rose Cottage, Caenby Road. It is also proposed to change the use of agricultural land to the west of the Plot 2, the proposed ménage and the stable block to a paddock.

It is considered that the proposed location and scale of the proposed manège, stable block and manège will not have a harmful visual impact on the locality and this part of the proposal will be screened by the proposed dwellings and existing boundary treatments.

It is therefore considered that the proposal as a whole will not harm the character and appearance of the locality including the street-scene and countryside with the proposal complying with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

#### Highway Safety and Car Parking

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Policy S49 states that all development apart from residential should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors.

The application seeks permission to erect 2no. detached 4 bed 2 storey dwelling. Both of the dwellings are accessed via one access point off Caenby Road which leads to off road car parking and turning areas for Plot 2 located at the northern end of the site (Plot 2 also has a double garage in its rear range) and Plot 1 located at the southern end of the site which also has a large detached 1.5 storey triple garage (with games room on the first floor) located to the north of Plot 1 close to the boundary with Plot 2. In addition, it is proposed to erect a manège and a single storey stable block for the personal use of Plot 1 (to the south west of the proposed dwelling) which is accessed through this site and to change the use of agricultural land to the paddock to the west of the proposed dwellings, again for the personal use of Plot 1.

Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and

c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Lincolnshire County Council Highways have raised no concerns in relation to highway safety. If it is minded to grant permission the condition and two informatives suggested by the Highways Authority will be attached to the decision notice.

Overall, the proposed access, parking and turning arrangements are acceptable and the proposal is considered to accord with Policy S47 and S49 of the Central Lincolnshire Local Plan and the NPPF.

#### Listed Building

There is a Grade II Listed Building (Rose Cottage, Caenby Road) located approximately 25 metres to the south of the site.

The Local Planning Authority (LPA) have a legal obligation to "have special regard to the desirability of preserving the [Listed] building or its setting" under the Planning (Listed Buildings & Conservation Areas) Act 1990 Section 66.

Paragraph 203 of the NPPF states that Local Planning Authorities in determining applications, should take account of:

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

Policy S57 of the Central Lincolnshire Local Plan states that *'Development proposals that affect the setting of a Listed Building will, in principle, be supported where they make a positive contribution to, or better reveal the significance of the Listed Building.'*

Plot 1 to the south which is a traditionally designed 2 storey detached dwelling is located approximately 32 metres to the north of Rose Cottage with Glenfield, Caenby Road between the proposed dwelling and the listed building. It is therefore considered that the proposed dwellings will have no affect on the setting of this Grade II Listed Building (Rose Cottage).

A single storey wooden stable block is also proposed approximately 21.1 metres to the west of Rose Cottage to the north of its long rear garden. Owing to the location and scale of the proposed stable block and existing boundary treatments there will be no effect on the setting Rose Cottage.

It is therefore considered that the proposal subject to appropriate conditions

will preserve the setting of Rose Cottage (Grade II Listed) in accordance with the NPPF, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy S57 of the Central Lincolnshire Local Plan.

#### Archaeology

The site is located on the edge of the shrunken medieval settlement of Glentham and earthworks associated with it have been recorded. Due to the site's location on the edge of a shrunken medieval settlement, and the existence of earthworks, there is high potential for below-ground archaeological remains,

Following the submission of an Archaeological Evaluation (Neville Hall, December 2023) which shows an absence of archaeological remains of significance in the site area, Lincolnshire County Council Archaeology suggest no archaeological conditions.

#### Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within Policy S21. This policy (S21) also contains drainage guidance.

Foul sewerage will be dealt with by way of the mains sewer and surface water by way of a soakaway. The appropriateness of the intended method(s) cannot be assessed at this stage. If permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended.

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

It is considered that Policy S21 is consistent with the drainage guidance of the NPPF and can be attached full weight

#### Landscaping and Boundary Treatments

The site is currently given over to grass and has existing boundary treatments, the vast majority of which are native hedgerows including on the eastern boundary which fronts Caenby Road.

It is proposed to have landscaping/gardens to the front of the proposed dwellings as well as around the proposed dwellings and large gardens to the rear. Plot 1 to the south will also have a menage and stable block to the rear within its curtilage and a paddock for the use of Plot 1 is located to the rear of Plots 1 and 2. The gardens are shown as being given over to grass with several trees to be planted.

In terms of boundary treatments the existing boundary treatments around the site will be retained including the hedge on the eastern boundary fronting Caenby Road. The proposed manege will have a post and rail fence around it

and the paddock will retain its existing outer boundary treatments and equestrian tape will be used to divide the wider field into paddocks.

Subject to conditions if it is minded to grant permission the landscaping and boundary treatments of the plot are therefore acceptable and accords to local policy S53 of the CLLP and the provisions of the NPPF.

#### Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide at least 10% net gain in biodiversity wherever possible. These requirements are also contained within paragraph 180 of the NPPF. Given that the requirements of Policies S60 and S61 are consistent with the NPPF, they are afforded full weight. Paragraph 186 states further that some harm to biodiversity is permitted but where there is significant harm, planning permission should be refused.

The proposed development has been accompanied by a Preliminary Ecological Appraisal (PEA) and Biodiversity Net Gain calculation which has concluded that a net gain of 10.76% could be achieved. A new proposed Site Layout/Block Plan (Drawing No. 40923-110 Rev B dated 05/01/2024) has also been submitted which shows existing native hedgerows on the boundary of the site will be retained, the planting of 8 trees and a wildflower meadow located towards the rear of the paddock.

The proposed Site Layout/Block Plan (Drawing No. 40923-110 dated 8/12/2023) will be conditioned accordingly if it is minded to grant permission, alongside a landscaping condition and a condition in regards to the recommendations contained within the PEA.

It is therefore considered that the proposed development would be in accordance with Policies S60 and S61 of the CLLP and paragraph 180 of the NPPF.

#### Climate Change/Energy Efficiency:

Local policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that:

“Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6”.

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (“not in excess of 60 kWh/m<sup>2</sup>/yr”).

The application is accompanied by an Energy Statement which includes SAP (Standard Assessment Procedure) calculations

Sections 3, 4, 5 and 6 of the Energy Statement sets out how the development meets the five criteria set out in policy S6 of the CLLP. This includes the use of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

In summary section 8 of the Energy Statement states that the proposed dwellings would have an average target energy demand of 34.29 kWh/m<sup>2</sup>/yr for Plot 1 and 31.10 for Plot 2 and that the total energy demand of 26.09 kWh/m<sup>2</sup>/yr for Plot 1 and 25.72 for Plot 2 would be well under the dwelling limit of 60 kWh/m<sup>2</sup>/yr.

The Energy Statement will be conditioned accordingly if it is minded to grant permission.

It is therefore considered that subject to conditions the development would accord to the requirements of local policy S6 and S7 of the CLLP and the provisions of the NPPF.

### **Other Matters:**

#### Numbers

It is noted that residents have raised comments that stated that the 10% growth limit of the village had already been exceeded. This is no longer considered to be a material consideration due to the most recent Central Lincolnshire Local Plan (adopted April 2023) no longer containing a quantitative growth limit for settlements. This related to the 2017 iteration of the Central Lincolnshire Local Plan which is no longer the adopted development plan for Central Lincolnshire.

#### Manure

Manure from the stable block, ménage and paddock will be regularly collected and stored in a small 3-sided enclosure (no higher than 1.5m) to the west of the stables. This would then be used for fertilizer on the paddocks. The store would be constructed with 200mm hollow concrete blocks on a concrete base with hard core below. The floor would be slightly sloped so that drainage goes to an adjacent vegetative filter strip.

#### Agricultural Land

The site is located on an arable field that does not appear to be in active use but is still managed as arable land. Policy S67 seeks to protect the best and most versatile agricultural land. The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 3 (see below) – Good to moderate, and not within ALC 2 (Very Good) which is located to the south of the site.

There are no known other available sites of poorer agricultural quality which could serve Glenthams. The site is also only a small part (approximately 0.42 Hectares) of a larger field with the rest of the field being proposed to be used for paddocks which will not sterilise future agricultural use.



**Figure 1:** [Provisional Agricultural Land Classification \(ALC\) \(England\) | Provisional Agricultural Land Classification \(ALC\) \(England\) | Natural England Open Data Geoportal \(arcgis.com\)](#)



**Conclusion and reasons for decision:**

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, S4: Housing Development in or Adjacent to Villages, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S54: Health and Wellbeing, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains, S66: Trees, Woodland and Hedgerows, S67: Best and Most Versatile Agricultural Land of the Central Lincolnshire Local Plan in the first instance and guidance contained within the National Planning Policy framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In light of this assessment it is considered that the proposal is an acceptable development as it is supported by Policy S1, S4 and S5 of the Central Lincolnshire Local Plan and the proposed development will not harm the character and appearance of the street-scene or countryside, nor the living conditions of neighbouring occupiers. The proposal will also not impact unacceptably on the local highway network or affect the setting of a nearby Listed Building.

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

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

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

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

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

2. Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Maintenance Plan & Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'The Paddock, Caenby Road, Glentham' (KJ Ecology Ltd) dated November 2023 and Drawing No. 40923-110 Rev B dated 05/01/2024.
- Details of boundary treatments (including boundaries within the site) and hardstanding.

The development shall be carried out in accordance with the approved scheme.

**Reason:** To ensure that the biodiversity net gain measures are maintained for a 30-year period and a landscaping scheme is implemented to enhance the development in accordance with the NPPF and Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

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

3. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 40923-110 Rev B dated 05/01/2024, 40923 -103 Rev B dated 05/01/2024, 40923-109 REV A dated 13/07/2023, 40923-108, 40923-107, 40923-106, 40923-105 and 40923-104 dated 28/05/2023. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

**Reason:** To ensure the development proceeds in accordance with the approved plans in the interests of proper planning.

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

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

5. No development, other than to foundations level shall take place until a 1m square sample panel of the proposed new stonework, showing the coursing of the stonework, colour, style and texture of the mortar and bond of the stonework have been provided on site for the inspection and approval in writing by the Local Planning Authority (the sample is to be retained on site until the new development is completed). The development shall thereafter be constructed in accordance with the approved details

**Reason:** To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

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

**Reason:** To ensure adequate drainage facilities are provided to serve the development in accordance with Policy S21 of the Central Lincolnshire Local Plan.

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

**Reason:** To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan

8. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy Statement by Andrew Clover Planning and Design received 11/12/2023, unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

**Reason:** In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan.

**9.** Prior to occupation of the dwellings hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement received 11/12/2023 and approved in writing by the Local Planning Authority.

**Reason:** To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan.

**10.** The development hereby permitted shall be undertaken in accordance with the mitigation and enhancements in the following ecological documents:

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'The Paddock, Caenby Road, Glentham' (KJ Ecology Ltd) dated November 2023.

**Reason:** To ensure that a landscaping scheme to enhance the development is provided in accordance with Policy S60 and S61 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

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

**11.** 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 domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling(s) hereby approved.

**Reason:** In the interests of energy efficiency to accord with Policies S6 and S7 of the Central Lincolnshire Local Plan.

**12.** The stable block, manège and paddocks hereby approved shall only be used for the purposes of keeping of horses in conjunction with the private use of the land, and shall not be used for any commercial purposes without the prior written consent of the Local Planning Authority.

**Reason:** For avoidance of doubt and in the interest of highway safety and residential amenity in accordance with the NPPF and Policy S47 and S53 of the Central Lincolnshire Local Plan.

**13.** No external lighting shall be installed around the manège as shown on Drawing No. 40923-110 Rev B dated 05/01/2024, 40923 -103 Rev B dated 05/01/2024 and 40923-109 REV A dated 13/07/2023 without the prior written consent of the Local Planning Authority.

**Reason:** To protect the amenities of nearby properties and the locality to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

**14.** Before the access is brought into use all obstructions exceeding 0.6 metres high shall be cleared from the land within the visibility splays illustrated on drawing number No. 40923-110 Rev B dated 05/01/2024 and 40923 -103 Rev B dated 05/01/2024 and thereafter, the visibility splays shall be kept free of obstructions exceeding 0.6 metres in height.

**Reason:** So that drivers intending entering the highway at the access may have sufficient visibility of approaching traffic to judge if it is safe to complete the manoeuvre in accordance with the NPPF and Policy S47 of the Central Lincolnshire Local Plan.

**15.** All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

**Reason:** To ensure the site is visually softened by appropriate methods in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

**16.** The garage hereby approved for Plot 1 shall not be occupied at any time other than for purposes incidental to the enjoyment of the dwellinghouse known as Plot 1.

**Reason:** The application has been assessed and found to be acceptable as an outbuilding incidental to the use of Plot 1 and not an independent dwellinghouse in accordance with the National Planning Policy Framework and Policy LP53 of the Central Lincolnshire Local Plan.

**17.** The paddock hereby approved and as shown on Drawing No. 40923-110 Rev B dated 05/01/2024 and 40923 -103 Rev B dated 05/01/2024 is not within the residential curtilage of Plots 1 and 2.

**Reason:** For the avoidance of doubt and in the interests of proper planning.

**18.** Notwithstanding the provisions of Classes A, AA, B, C of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted and no new gates, walls or fences shall be

erected unless planning permission has first been granted by the Local Planning Authority.

**Reason:** To enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling/the resulting amount of space around the proposed dwelling and to safeguard the character and appearance of the host dwelling(s) and its surroundings in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

### **Notes to the Applicant**

#### Highways

The permitted development requires the formation of a new/amended vehicular access. These works will require approval from the Highway Authority in accordance with Section 184 of the Highways Act. Any traffic management required to undertake works within the highway will be subject to agreement. The access must be constructed in accordance with a current specification issued by the Highway Authority. Any requirement to relocate existing apparatus, underground services, or street furniture because of the installation of an access will be the responsibility, and cost, of the applicant and must be agreed prior to a vehicle access application. The application form, costs and guidance documentation can be found on our website, accessible via the following link: <https://www.lincolnshire.gov.uk/licences-permits/apply-dropped-kerb>

Please contact the Lincolnshire County Council Streetworks and Permitting Team on 01522 782070 to discuss any proposed statutory utility connections, Section 50 licences and any other works which will be required within the public highway in association with the development permitted under this Consent. This will enable Lincolnshire County Council to assist in the coordination and timings of these works. For further guidance please visit our website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

#### **Human Rights Implications:**

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

#### **Legal Implications:**

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



**Planning Committee**

**Wednesday, 31  
January 2024**

**Subject: Determination of Planning Appeals**

Report by:

Assistant Director Planning and  
Regeneration

Contact Officer:

Simon Wright  
Locum Democratic and Civic Officer  
[simon.wright@west-lindsey.gov.uk](mailto:simon.wright@west-lindsey.gov.uk)

Purpose / Summary:

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

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

**IMPLICATIONS**

**Legal:** None arising from this report.

**Financial:** None arising from this report.

**Staffing:** None arising from this report.

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

**Risk Assessment:** None arising from this report.

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

**Title and Location of any Background Papers used in the preparation of this report:**  
Are detailed in each individual item

**Call in and Urgency:**

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

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

**Yes**

**No**

**Key Decision:**

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

**Yes**

**No**



## **Appendix A - Summary**

Appeal made by Christa Haslam against the decision of West Lindsey District Council to refuse planning permission for the erection of a summer house at West Paradise Cottage, Church Folly, Caistor, Market Rasen, Lincolnshire LN7 6UG

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

**Officer Decision** – Refuse



# Appeal Decision

Site visit made on 2 January 2024

**by G Bayliss BA (Hons) MA MA MRTPI IHBC**

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

**Decision date: 11 January 2024**

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**Appeal Ref: APP/N2535/D/23/3321940**

**West Paradise Cottage, Church Folly, Caistor, Market Rasen, Lincolnshire LN7 6UG**

- 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 Christa Haslam against the decision of West Lindsey District Council.
  - The application Ref 146081, dated 30 December 2022, was refused by notice dated 5 April 2023.
  - The development is the erection of summer house.
- 

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The development has already been implemented. I have determined the appeal on this basis and with regard to the plans before me. Having visited the site, I am satisfied that the plans appear to accord with what is on the ground.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the Council issued its decision. In this instance, the relevant changes only relate to paragraph numbering and do not fundamentally affect the substance of the matters under appeal. Also, a new Central Lincolnshire Local Plan was adopted in April 2023 (LP 2023) which supersedes the Central Lincolnshire Local Plan (2017). I consider that the policies relevant to this appeal have not substantially changed, therefore, it has not been necessary to seek the views of the parties and I have considered the development against the up-to-date development plan.
4. The description of the development given on the application form is extensive in detail. I have had regard to this in my assessment. However, for the purpose of my banner heading above, I have based it on the description used in the Council's decision notice.
5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area. Paragraph 195 of the Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance.

## **Main Issue**

6. The main issue is the effect of the development on the significance of designated heritage assets.

## **Reasons**

7. West Paradise Cottage forms part of a Grade II listed building which lies within the Caistor Conservation Area (CA). To the west of the property is the Church of Saint Peter and Saint Paul (the Church), a Grade I listed building. The appeal site is predominantly located within the scheduled monument (SM) known as Caistor Roman town.

### *Significance of listed buildings*

8. West Paradise Cottage along with the adjoining cottage comprise a Grade II listed building, listed as Paradise Cottage West and Paradise Cottage East (Ref 1166111) (the listed cottages) listed in 1976. The cottages are located alongside Church Folly, a pedestrian route which runs between the cottages and the Church. The list description mentions that they are a row of 2 houses of early 19<sup>th</sup> century date constructed in coursed ironstone rubble with a red brick pantile roof. It describes the arrangement of the bays, the architectural detailing, and historic features.
9. The cottages have long-linear gardens extending to the south, terminating with a brick wall. At West Paradise Cottage a small lean-to brick and tile outbuilding is attached to this wall which reads as an ancillary, functional historic building associated with the listed cottage. The appellant's site location plan (Ref. 279303) suggests that small structures historically ran along the southern boundary wall of both listed cottages. It appears to me that the outbuilding remaining along the appellant's rear boundary wall is likely to be one of those structures. There appears to be no disagreement between the parties that it should be regarded as a curtilage listed building. In this regard, it embodies a measure of architectural and historic interest, and its historic fabric and interest adds to the sum significance of the building grouping.
10. The Council has provided photographs indicating a tiled roof structure attached or close to this curtilage listed outbuilding. However, I have inadequate details to be able to fully understand what this structure looked like or exactly where it stood or how it may have contributed to the significance of the listed building. Furthermore, the appellant has provided photographs which suggest that the tiled roof structure was only there for a short period of time after 2009. I therefore cannot conclude with any certainty that the removed structure historically formed part of the curtilage listed outbuilding or was a separate curtilage structure. However, as my decision will not turn on this matter, and would be more appropriately resolved through a listed building consent application, if necessary, there is no need for me to pursue this element any further within this appeal.
11. The Church of Saint Peter and Saint Paul (Ref 1063382) is a Grade I listed building, listed in 1966, and dates from the 11<sup>th</sup> century. The list description states that it is constructed in ironstone and limestone coursed rubble with stone dressings and multiple slate roofs and provides an extensive architectural description of this building of the highest significance. It stands prominently within its churchyard on elevated ground and is the focus of a tight grouping of

surrounding historic buildings. Both the Church and the listed cottages are identified in the list descriptions as having group value and there is a strong visual connection between them. West Paradise Cottage lies closest to the Church and the elevated nature of the church grounds enables clear views of its garden and the building which is the subject of this appeal.

12. Based on the evidence before me, including the list descriptions, I consider that the special interest/significance of both listed buildings mainly derives from their age, historic fabric, form and function, and their architectural features. Their special interest/significance, insofar as it relates to the appeal site, is experienced from within the public open space comprising the church grounds and the surrounding roads, and the interconnected views across this space. These views are in part contained by the historic buildings surrounding the Church which include the appeal site. It is an area of high townscape value both in terms of the age and character of the buildings but also the quality of the spaces between them. These are the surroundings in which the listed buildings are experienced and appreciated, and these views directly contribute to their special interest/significance.

*Significance of Conservation area*

13. The CA focusses on the historic core of the rural market town. Dating from the Roman period, the area retains its medieval street pattern with narrow plots and a market square combined with fine Georgian and Victorian buildings. In the Council's Caistor Conservation Area Appraisal, the appeal site is in the Church Square Character Area which is similar in its extent to the area identified as the Roman town. In this area the appraisal notes the focus of the area being the raised ground around the Church and the sense of enclosure provided by the surrounding historic buildings. Several of these buildings are listed buildings, including the Old Vicarage and No 3-9 Church Street, which contribute to the significance of the area. Based on the appraisal statement and my observations, I consider that the significance of the CA is mainly drawn from the range of built development within it, and the relationship of the buildings to each other and the spaces around them. Of particular note is the overall consistency to the area's historic character and appearance in the vicinity of the appeal site and the interconnected views.

*Significance of scheduled monument*

14. Scheduled monuments are classed as designated heritage assets under Annex 2 of the Framework. Much of the area surrounding West Paradise Cottage lies within the scheduled monument (SM) known as Caistor Roman Town (Ref 1004995). Historic England (HE) advise that the site is a 4th century defended Roman town and although the extent of the survival of elements of the settlement are not well documented, investigations have revealed sections of town wall as well as artefacts. The SM designation map indicates that part of the appeal building is located within the SM area.
15. HE has not referred in its consultation to any standing remains attributed to the SM or made any reference to it being perceived as having a setting. It therefore appears to me that the significance of the SM in relation to this appeal relates primarily to below ground archaeology which can provide information about past civilisations.

*Effect of development*

16. The summer house lies at the far end of the garden of West Paradise Cottage adjoining the southern and eastern boundaries and butting up to the existing brick and tile outbuilding. It is predominantly of timber frame construction, with a rectangular footprint, tapering in width alongside the outbuilding. It has a shallow, mono-pitch roof which projects beyond the walling, with deep eaves and clay tiled roof. The structure incorporates a large, round window and glazed vertical panels to the elevation facing the Church and a further round window and door to the elevation facing the house. It is elevated slightly off the ground and incorporates a timber decked area.
17. Photographs prior to the erection of the summer house indicate that a timber structure, described as a tree house, was in a similar position within the garden. The images show that it stood on short legs and had minimal openings, a porch area, and a largely flat roof. It appears to have been shorter in length than the appeal structure and stood some distance away from the corner of the garden and the brick outbuilding.
18. Although garden structures are often seen within historic areas, the location of this summer house is particularly prominent within the garden area, and it is viewed at close quarters in conjunction with the Church. The structure is of substantial size and form with its upper edge towering above the adjoining curtilage listed outbuilding and boundary structures. Furthermore, the depth of the roof and its projecting nature together with the number and design of some of the openings make the building much more eye catching, and this adds to the dominance of the structure. It also has a visually poor relationship with the adjoining brick outbuilding as it wedges into the gap between it and the corner of the garden. In my view, the replacement structure is much more dominant and visually incongruous than the more recessive, smaller, clearly detached structure that previously stood in this location.
19. The summer house can be readily viewed from multiple positions within the church grounds and from the surrounding roads and in my view is a visually distracting feature within this sensitive historic environment, which includes the Grade I listed Church. I was not directed to any other structures of this type which could so easily be seen within this area, and it stood out from traditional buildings and structures which are so representative of the area. I must therefore conclude that the development is harmful to the setting of both the listed cottages and the Church, and harmful to the wider character and appearance of the CA.
20. HE is concerned by any harm which may have occurred to the SM by direct physical impact and/or loss of archaeological remains as a result of the construction of the building and any associated landscaping. Although there is no form of impact assessment before me, the appellant's state that no excavation of the ground has taken place and that the structure stands on a wooden deck without foundations. I saw that the slightly elevated structure appeared to rest on the ground, supported in places by bricks and blocks, and the rainwater goods appeared to discharge into a shallow pond. Although it is unlikely that there has been significant ground disturbance because of the development, the evidence before me, including the uncertainty surrounding the previous structures in this area, does not provide me with sufficient certainty to confirm that there has been no ground disturbance. Therefore, I must err on the side of caution and conclude that it has not been demonstrated that the proposed works would preserve the significance of the SM.

21. Considering all of the above, I find that the proposal would fail to preserve the significance of the designated heritage assets. Therefore, with regard to the listed buildings and the conservation area, the expectations of the Act are not met. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of those assets and any such harm should have a clear and convincing justification.
22. I find the harm in the context of the significance of the designated heritage assets as a whole, in the language of the Framework, to be less than substantial in this instance. This commands considerable importance and weight and is not to be treated as a less than substantial objection to the proposal. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
23. The summer house is clearly beneficial to the owner's living conditions, providing extra space for the household which might not be possible to achieve within the main building, and a separate structure would allow them to enjoy their outdoor space. However, I regard these as private rather than public benefits. Moreover, I have been given no evidence that the continued viable use of the appeal property as a residential dwelling is dependent on this development, as the building has an ongoing residential use that would not cease in its absence.
24. I have noted that there has been some local support for the retention of the development, including from members of the parish council. However, these matters do not outweigh my findings on the main issue.
25. Given the above, I conclude that the public benefits identified are of insufficient weight to outweigh the great weight to be given to the harm to the designated heritage assets. As such, the development does not comply with paragraph 208 of the Framework. In addition, there is no clear and convincing justification for the harm to the significance of the designated heritage assets. Consequently, the development does not comply with paragraph 205 of the Framework and LP 2023 Policy S57. This seeks to ensure that development proposals protect the significance of heritage assets. As a result, the development would not be in accordance with the development plan as a whole.

### **Conclusion**

26. For the above reasons and having regard to all other matters raised I conclude that the appeal is dismissed.

*G Bayliss*

INSPECTOR