

Guildhall Gainsborough
Lincolnshire DN21 2NA
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AGENDA

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

Planning Committee
Wednesday, 15th October, 2025 at 6.30 pm
Council Chamber - The Guildhall

Members:

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

1. Apologies for Absence

2. Public Participation Period

Up to 15 minutes are allowed for public participation.
Participants are restricted to 3 minutes each.

3. To Approve the Minutes of the Previous Meeting (PAGES 3 - 10)

- i) Meeting of the Planning Committee held on Wednesday, 20 August 2025, previously circulated.

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) WL/2024/00947 - Ash Tree Farm Sudbrooke Lane, (PAGES 11 - 31)
Nettleham
- ii) WL/2025/00837 - Land Adjacent 2 School Lane, (PAGES 32 - 51)
Grayingham
- iii) WL/2025/00460 & WL/2025/00462 - Ten Acres Cafe, (PAGES 52 - 72)
Top Road, Osgodby

7. **Determination of Appeals** (PAGES 73 - 119)

8. **Exclusion of Public and Press**

9. **Exempt Reports**

- i) Planning Enforcement: Formal Case Update (PAGES 120 - 129)

Paul Burkinshaw
Head of Paid Service
The Guildhall
Gainsborough

Tuesday, 7 October 2025

WEST LINDSEY DISTRICT COUNCIL

MINUTES of the Meeting of the Planning Committee held in the Council Chamber - The Guildhall on 20 August 2025 commencing at 6.30 pm.

Present: Councillor Ian Fleetwood (Chairman for the meeting)
Councillor John Barrett
Councillor Owen Bierley
Councillor Emma Bailey
Councillor Karen Carless
Councillor David Dobbie
Councillor Roger Patterson
Councillor Tom Smith

In Attendance:
Sally Grindrod-Smith Director Planning, Regeneration & Communities
Russell Clarkson Development Management Team Manager
George Backovic Development Management Team Leader
Martha Rees Legal Advisor
Molly Spencer Democratic & Civic Officer

Also in Attendance: 15 Members of the Public

Apologies: Councillor Matthew Boles
Councillor Paul Swift

Membership: Councillor Emma Bailey was appointed substitute for Councillor Matthew Boles

27 TO OPEN THE MEETING AND APPOINT A CHAIRMAN

The meeting was opened by the Democratic and Civic Officer, who explained that, as there was currently no appointed Chairman or Vice Chairman of the Planning Committee, the first item of business was the appointment of a Chairman for the meeting. Proposals were duly sought.

A Member of the Committee proposed that Councillor Fleetwood be appointed Chairman. The proposal was duly seconded.

As no further nominations were received, and having been voted upon, it was

RESOLVED that Councillor Fleetwood would be appointed the Chairman for the duration of the meeting.

A Member of the Committee stated that, following the previous Full Council meeting, it had been understood that only one round of Committee Meetings would have taken place prior to the next Full Council meeting. The Member of the Committee raised concerns about

continuity in committee membership.

In response, the Chairman acknowledged the point and noted that, due to the volume and time sensitive nature of planning applications, the Planning Committee operated on a more frequent cycle than other committees. It was explained that while most committees typically met four to five times per year, the Planning Committee often convened eleven to twelve times annually, depending on the level of business to be considered.

28 PUBLIC PARTICIPATION PERIOD

There was no public participation.

29 TO APPROVE THE MINUTES OF THE PREVIOUS MEETING

With no comments, and having been proposed and seconded, it was

RESOLVED that the minutes of the Planning Committee held on Wednesday, 23 July 2025 be confirmed and signed as an accurate record.

30 DECLARATIONS OF INTEREST

In relation to application WL/2024/00016, Councillor Smith declared a non-pecuniary interest in relation to his employment with Sir Edward Leigh MP, who he explained had commented on the application. It was noted that he had not taken part in any conversations with Sir Edward Leigh regarding the application, nor had he provided any administrative support in relation to the matter as part of his role. Councillor Smith confirmed that they would approach the application with an open mind and would participate in the meeting as a Member of the Committee.

In relation to application WL/2024/00016, Councillor Barrett declared a non-pecuniary interest that the site abutted his ward, encompassing the areas of Nettleham and Riseholme. It was noted that contact had been received from members of the public regarding the application. Councillor Barrett confirmed that no views had been expressed and that all enquiries had been appropriately handled. Councillor Barrett provided assurance that he approached the application with an open mind and would participate in the meeting accordingly.

31 UPDATE ON GOVERNMENT/LOCAL CHANGES IN PLANNING POLICY

The Committee was advised by the Development Management Team Manager that no significant planning updates had been issued by central government during since the last meeting of the Planning Committee.

At a local level, it was reported that the Dunholme Neighbourhood Plan had undergone a review and a referendum was held on 24 July 2025. Public support was noted, with approximately 80% voting in favour of adopting the revised plan. It was confirmed that the

plan would carry full weight, subject to ratification at the meeting of Full Council scheduled for 8 September 2025.

Additionally, it was noted that the Saxilby with Ingleby Neighbourhood Plan was currently under review, with a consultation period open until 22 August 2025.

No further updates were provided.

32 WL/2024/00016 - ROADSIDE SERVICES AREA AT JUNCTION OF A15/A46 RISEHOLME ROUNDABOUT

The Development Management Team Leader provided an update to the Committee prior to presenting the application. It was noted that paragraph 114 of the National Planning Policy Framework had not been referenced in the original report and was now quoted as follows:

“Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their use.”

The Development Management Team Leader advised that this policy granted positive weight to the application; however, it was not considered sufficient to outweigh the negative impacts identified in the report, including the proposed presence of 31 heavy goods vehicles within the designated green wedge.

Further clarification was provided regarding Biodiversity Net Gain (BNG). It was noted that the reported 10.96% increase had been questioned by the applicant, who cited a figure of 15.06%. This was acknowledged as a potential benefit, though again not sufficient to overcome the adverse impacts of the application.

An update was also provided in relation to questions raised by Members at briefing held for Planning Committee, during which concerns had been raised regarding vehicle movements to and from the proposed site. A response from the Local Highways Authority was shared, stating that vehicle swept path analysis had been undertaken to demonstrate that the manoeuvre could be safely executed by the largest vehicles expected to visit the site. It was noted that, during peak times, delays may occur for HGVs attempting to turn right, but this had been accounted for within the internal site layout. It was further advised that rerouting such vehicles would result in an 8km round trip via the Lincolnshire Showground roundabout, impacting all site visitors.

The Development Management Team Leader then proceeded to present the application, once completed the Chairman thanked the Development Management Team Leader for his presentation and noted there were three registered speakers for this application.

The Chairman invited both Councillor Sue North and Councillor Neil Foster to take their seats as Parish Council Representatives as the allocated 5 minutes would be shared between them.

Councillor Neil Foster addressed the Committee on behalf of Burton-by-Lincoln and Riseholme Parish Councils. He acknowledged the presence of members of the public and expressed appreciation for their attendance.

Councillor Foster stated that the application had caused considerable concern and distress among local residents over a two-year period. Support was expressed for the Officer recommendation to refuse planning permission, with reference made to the anticipated harm to the character of Lincoln, the designated green wedge, and the amenity of nearby residents. Councillor Foster urged the Committee to consider highway safety as an additional reason for refusal, citing previous objections from Lincolnshire County Council and concerns regarding the proximity of the proposed junction to a heavily trafficked and high-speed roundabout.

The potential requirement to reduce the speed limit from 70mph to 40mph was described as a significant safety risk, particularly for HGVs. Concerns were also raised regarding pedestrian and cyclist safety, noting that approximately 2,000 homes were within walking distance of the site and that access would require crossing multiple lanes of traffic.

Councillor Foster stated that the development would result in an unacceptable impact on highway safety and fail to provide safe and convenient access for all, contrary to Policy S47 of the Central Lincolnshire Local Plan. Additional reference was made to Policy S5, which he suggested should be included in the first reason for refusal, and to Policy S35, due to the absence of a sequential test and insufficient information to assess the impact on local service centres.

Councillor Foster concluded by urging the Committee to uphold the officer's recommendation and strengthen it with additional policy grounds relating to highway safety.

The Chairman thanked Councillor Foster for his comments and invited Councillor Sue North to speak for the remainder of the five minutes.

Councillor Sue North reiterated the points raised by Councillor Foster, expressing support for the concerns outlined regarding the planning application. It was stated that the proposal represented the wrong development in the wrong location. No further planning matters were raised.

The Chairman thanked both speakers and invited Councillor Jackie Brockway to speak as County Councillor.

Cllr Jackie Brockway expressed support for the comments made by the previous speakers and extended thanks to the Officer for a well-structured and carefully considered report.

She stated that the application was neither wanted nor needed and emphasised that officer recommendations for refusal, particularly on major applications, were not made lightly. Reference was made to existing nearby facilities, including coffee shops and fuel stations, which were considered sufficient to meet local demand.

Councillor Brockway raised concerns regarding highway safety, particularly the acceleration of vehicles approaching the A15 and the difficulty experienced by residents accessing Riseholme Village. The proposal was described as surplus to requirements, with previous

applications having been refused due to the loss of agricultural land and harm to the green wedge, issues that were considered to remain unresolved.

A 2015 appeal decision was cited, in which the Planning Inspector had concluded that the use of Best and Most Versatile (BMV) land had not been justified. It was argued that no substantial evidence of need had been presented and that the development would negatively impact traffic flow and local access.

Councillor Brockway expressed support for the objections raised by the City of Lincoln Council, particularly in relation to the impact on the city's boundaries. She noted that a significant number of objections had been submitted, many of which were based on material planning considerations.

Further concerns were raised regarding infrastructure capacity, with reference to the Environment Agency and Anglian Water. It was noted that in Saxilby, similar capacity issues had resulted in the need to tanker sewage, raising concerns about the ability to manage demand.

In closing, Councillor Brockway queried whether Members of the Committee had received direct communication regarding the application. She concluded by urging the Committee to refuse the application.

The Chairman invited the Development Management Team Leader to respond and he provided clarification regarding highway safety concerns. It was acknowledged that such concerns had generated significant public interest. A direct quote from the report was read aloud, referencing comments from the Local Highways Authority and the Lead Local Flood Authority.

The Development Team Manager Team Leader provided a direct quote from the Local Highways Authority: "In February 2023, the Highway authority and the local Flood Authority recommended that the local planning authority refuse the application on the grounds of inadequate provision for safe and suitable access to the site for pedestrians and cyclists. And the negative impact the development was expected to have upon traffic flows at the Riseholme roundabout. Since this time, the applicant has submitted further technical information and evidence to support the application which addresses these concerns. The site is located directly north of the Riseholme roundabout with vehicular and pedestrian access served up from the A15. Access will be via priority T junction and construction of a ghost island."

Details of the proposed access arrangements were outlined, including a priority T-junction and the construction of a ghost island. The Development Management Team Leader advised that the matter had been thoroughly investigated, including direct representations made by the parish to the Highways Authority. It was emphasised that the original recommendation for refusal had been based on these concerns, and caution was urged in considering the addition of highway safety as a further reason for refusal.

The Development Management Team Leader concluded their remarks, and the Chairman thanked the Development Management Team Leader for the clarification.

The Chairman opened the debate by sharing personal observations of the Riseholme

roundabout during peak traffic, expressing concern over the existing safety conditions. It was noted that the proposed development's proximity to the slip road raised further concerns regarding vehicle access and egress, particularly for HGVs turning right. The potential for conflict between vehicle speed, visibility, and driver frustration was highlighted.

Members of the Committee confirmed an email had been received but Members were clear the content had not been read.

He acknowledged the potential for job creation, referencing a similar development in his ward, but emphasised that highway safety remained a significant concern. The roundabout was described as hazardous even outside peak hours, with poor visibility and high vehicle speeds. It was concluded that, while local employment was important, the cumulative weight of the Development Management Team Leader's reasons for refusal could not be outweighed, and support was expressed for the recommendation to refuse.

Another Member focused on the environmental aspects of the proposal, expressing appreciation for the biodiversity features such as the green roof. However, it was stated that the development was in the wrong location. Emphasis was placed on the importance of preserving the green wedge and supporting objections raised by environmental bodies. The Member of the Committee seconded the motion to refuse the application, citing environmental grounds.

Concerns were raised regarding the absence of a response from Anglian Water, particularly in light of infrastructure issues raised by other Members. While acknowledging the validity of highway safety concerns, it was noted that such matters could be difficult to defend at appeal without enforceable conditions. The Member of the Committee requested the Development Management Team Leader's view on additional policy references raised earlier in the meeting.

During the discussion, the Development Team Leader clarified that Policy S5 (Part E), which related to development in the countryside, had been considered in the report. However, the predominant policy for the site was identified as the green wedge. Following this, Members of the Committee agreed to include Policy S5 as an additional reason for refusal. This was proposed and seconded noting that the site's location and characteristics aligned with the countryside protections outlined in Policy S5.

A Member of the Committee proposed the inclusion of Policy S58 concerning visual impact, noting the distress caused to residents over the two-year duration of the application process. Support was expressed for the Development Management Team Leader's handling of the matter and the protection of the green wedge.

In relation to a query raised by a Member of the Committee the Development Management Team Leader confirmed that Policy S53, relating to design and character, was already included in the second reason for refusal.

A Member of the Committee highlighted the absence of green belt designation in Lincolnshire and the importance of Policy S63 in protecting green wedges. Reference was made to pre-application advice from 2020, which indicated the proposal was unlikely to be supported. The lack of justification for the permanent loss of Best and Most Versatile (BMV) agricultural land was also noted.

Support for the recommendation for refusal was stated by another Member of the Committee who raised concerns about the lack of consultation with the Lincolnshire Road Safety Partnership, given the site's location on a red route.

The Chairman emphasised the strategic importance of the green wedge in maintaining the rural character of surrounding villages and preventing urban sprawl from Lincoln. The ecological and community value of the area was reiterated.

Having been proposed and seconded, upon taking the vote it was agreed that planning permission be **REFUSED**, with the inclusion of Policy S5 (Part E) as an additional reason, due to the site's location and characteristics being considered inappropriate for countryside development.

33 WL/2025/00550 - FORMER LINDSEY CENTRE, GAINSBOROUGH

The Committee considered an application for the installation of a projector on the redeveloped site of the former Lindsey Centre, facing into the marketplace. The projector, approximately the size of a shoebox, would display symbolic imagery associated with the town's regeneration.

Councillor Dobbie declared a non-pecuniary interest in relation to the application, noting that he had been present during discussions at the Town Council. He confirmed that he would consider the application with an open mind and take into account the additional information presented at the meeting. He raised concerns about potential misuse of the projector for political advertising and queried whether restrictions could be applied.

It was clarified by the Lead Officer that the application concerned the physical installation only, and any future use for advertising would be subject to separate regulation under advertisement control.

Members expressed support for the proposal, noting its positive symbolism and contribution to Gainsborough's identity.

Having been proposed and seconded, upon taking the vote it was agreed that planning permission be **GRANTED** subject to the following conditions:

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:

NONE

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

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following proposed drawings:
 - J1808-00146 Rev B dated 27th January 2022 – Elevation Plans
 - WT150WR Projector Specification

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy S1, S53, S57 and S58 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7, NPP18 and NPP19 of the Gainsborough Town Neighbourhood Plan.

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

3. The projector and cabling hereby approved must be removed from the building within 3 months of its use no longer being required. Any damage to the building must be repaired to match the existing appearance of the brick and mortar.

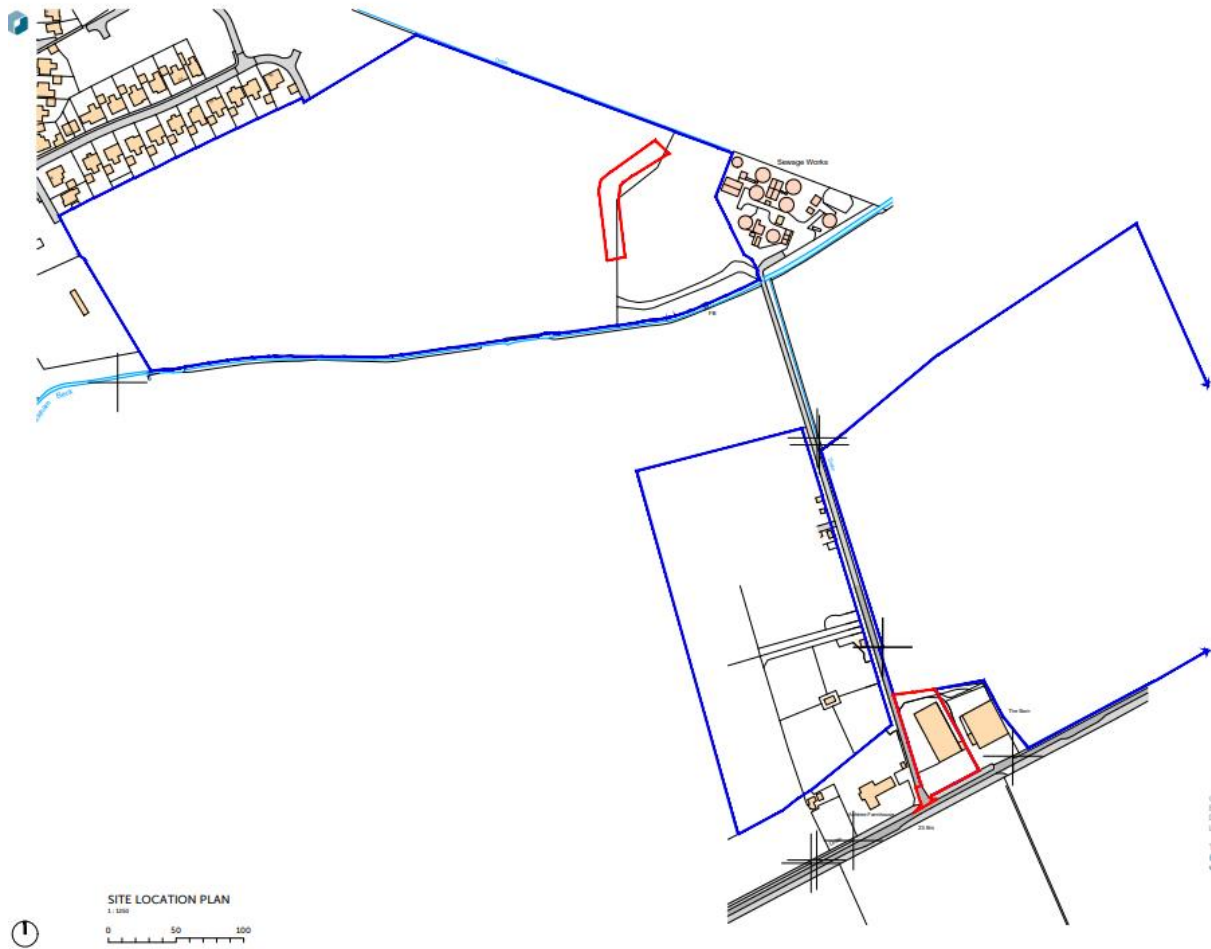
Reason: To ensure the projector and cabling is removed in a timely manner once its use has become obsolete and to ensure the appearance of the building is retained to accord with the National Planning Policy Framework, local policy S53, S57 and S58 of the Central Lincolnshire Local Plan 2023 and NPP6, NPP7, NPP18 and NPP19 of the Gainsborough Town Neighbourhood Plan.

34 DETERMINATION OF APPEALS

There were no determination of appeals.

The meeting concluded at 7.18 pm.

Chairman



Officers Report

Planning Application No: WL/2024/00947

PROPOSAL: Planning application to remove existing agricultural building and erect 5no. dwellings including the change of use of land from agricultural to residential and upgrade of the existing access.

LOCATION:

LAND AT ASH TREE FARM
SUDBROOKE LANE
NETTLEHAM
LINCOLN
LN2 2QQ

WARD: NETTLEHAM

WARD MEMBER(S): Cllr F Brown and Cllr J Barrett

APPLICANT NAME: Truelove Property and Construction Ltd

TARGET DECISION DATE: 13/01/2025 [EoT 16/10/25]

CASE OFFICER: Vicky Maplethorpe

Recommended Decision: Grant (subject to conditions)

This application has been referred to the Planning Committee as it would represent a departure from Policy S1 (The Spatial Strategy and Settlement Hierarchy) and Policy S5 (Development in the Countryside) of the Central Lincolnshire Local Plan.

Site Description and Proposal:

The application site comprises of a large modern agricultural building located to the east of Nettleham.

The site is surrounded by open countryside with Ash Tree Farm house to the west and another large agricultural building to the west.

The existing building measures approximately 41 metres x 18.5 metres and is of steel portal frame construction, under a corrugated sheet roof. The building has one large sliding door in the south east elevation. Outside the building there is a hardstanding yard area.

Prior approval for a conversion of the existing agricultural building, comprising change of use from agriculture to 4 smaller dwellings and one large dwelling was granted 20/10/23.

This application seeks permission to now demolish the agricultural building and erect 5 dwellings in its place.

Relevant Planning History

Reference	Proposal	Decision
147245	Prior approval for proposed change of use from agricultural building to 4no. smaller dwellings and 1no. larger dwelling.	Granted time limit plus conditions 20/10/2023
147011	Pre-app to erect 5 dwellings.	Positive pre-app advice. 'To conclude it would be expected that there would be a reap prospect of the 5 dwellings (Class Q) being completed through the fallback position, and weight would be given to this in any forthcoming application for planning permission. Furthermore the proposal would be expected to offer a betterment aesthetically and environmentally.' 5/7/24.

Representations:

Chairman/Ward member(s): None received

Parish/Town Council/Meeting:

Nettleham Parish Council objects to this planning application on the following grounds:

- 1.) This is residential development in the open countryside, contrary to Policy S5 of the CLLP and Policy D6 of the Nettleham Neighbourhood Plan November 2024. As stated in the pre-application advice from West Lindsey Planning Department: The construction of the five proposed dwellings is contrary to the provisions of the CLLP in respect to development in the countryside:

- Policy S5: Development in the countryside: Part D: New dwellings in the countryside. Applications for new dwellings will only be acceptable where they are

essential to the effective operation of existing rural operations listed in tier 8 of Policy S1. Applications should be accompanied by evidence of:

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

- As stated in the pre-application advice from West Lindsey Planning Department: There is no information provided within this request for pre-application advice that would indicate that the proposal is essential to the effective operation of a rural operation that requires a countryside location. (Page 20, Design and Access Statement: Application WL/2024/00947.)

- Policy D6

(3) of the Nettleham Neighbourhood Plan 2024 states: New residential development outside the existing* developed footprint of the village north of the Lincoln bypass will be strictly controlled in accordance with Policies S5 and, where appropriate, S63 of the adopted Local Plan. *For the purpose of this policy, the term 'existing' means as from the adoption of this Plan.

- The concluding advice from West Lindsey was that the proposed site falls within Tier 8 of Policy S1 of the CLLP and would therefore be considered as development in the countryside. In the countryside, dwellings are restricted to being demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport, or utility services as required by Policies S1 and S5.

- The adjacent Ash Tree Farmhouse was built under the agricultural provision of a previous Local Plan.

2.) It will cause an increase in traffic flow on a narrow single-track lane.

3.) The site is not sustainable as it is far from local facilities such as shops and schools, so the use of cars will add to congestion already experienced in the village centre.

4.) Nettleham village has no need for additional residential accommodation as we have 130 houses currently under construction as part of the CLLP 2017 allocation plus another 205 allocated in the 2023 CLLP. More accommodation will only add to the pressure on local services.

5.) This development risks setting a precedent for further development in the neighbouring area, which is both outside the existing developed footprint of the village and very close to the sewage works.

6.) Flood Risk and Surface Water Management:

- This development, whilst outside of the village footprint, has the potential to cause surface water runoff into the Beck, increasing the risk of flooding to properties within the village that are already at risk. This presents a significant concern and must be fully addressed with detailed attenuation schemes.

Local residents: None received

LCC Highways and Lead Local Flood Authority:

No objections. Request informatives.

The proposal is for 5 dwellings utilising an existing access which is to be upgraded. The site layout provides sufficient parking and turning within the site and will not have an unacceptable impact on highway safety.

LCC Archaeology: No objections

Ecologist: The BNG details are ok. They have decided to class additional areas of onsite grassland as garden this is fine as long as it will fall within private curtilage and be within management of the occupant.

The BNG area to the North is acceptable despite not being directly connected to a Highway/ROW as it will immediately adjoin another secured BNG area so will benefit from the secured access granted by the other permission

Conditions requested.

Lincs Wildlife Trust: No objections

Date Checked: 25/9/25

Relevant Planning Policies and Legislation:

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), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and Nettleham Neighbourhood Plan (MADE November 2024).

Development Plan

- ***Central Lincolnshire Local Plan 2023 –***

Relevant policies of the CLLP include:

- S1 The Spatial Strategy and Settlement Hierarchy
- S4 Housing Development in or Adjacent to Villages
- S6 Design Principles for Efficient Buildings
- S7 Reducing Energy Consumption –Residential Development
- S20 Resilient and Adaptable Design
- S21 Flood Risk and Water Resources
- S23 Meeting Accommodation Needs
- S47 Accessibility and Transport
- S49 Parking Provision
- S53 Design and Amenity
- S57 The Historic Environment
- S59 Green and Blue Infrastructure Network
- S60 Protecting Biodiversity and Geodiversity
- S61 Biodiversity Opportunity and Delivering Measurable Net Gains
- S66 Trees, Woodland and Hedgerows

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

- **Nettleham Neighbourhood Plan (NP)**

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

Relevant policies of the NP include:

Policy D1 – Parking Standards for New Residential Development

Policy D3 – Water Resources, Quality and Flood Risk

Policy D4 – Design of New Development and Parish Design Code Principles

Policy D5 – Climate Change Mitigation and Adaption

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

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

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

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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

The most recent iteration of the NPPF was published in December 2023.. Paragraph 225 states:

However, existing 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).

<https://www.gov.uk/government/publications/national-planningpolicy-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 Model Design Code (2021)

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

Main Considerations:

- Principle of development;
- Fallback position;
- Embodied Carbon;
- Design and visual amenity;
- Residential amenity;
- Highway safety and parking provision;
- Climate change and Energy efficiency;
- Flood risk, Water efficiency and drainage;
- Ecology, biodiversity, and Net Gain;
- Other Considerations.

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.

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 CLLP establishes a settlement hierarchy which aims to steer development towards the largest urban areas in Central Lincolnshire with development elsewhere being proportionate and primarily constrained to sites with the developed footprint of settlements that are within appropriate locations. Tier 8 of Policy S1 relates to development in the countryside and states the following:

'Unless allowed by:

*a) policy in any of the levels 1-7 above; or
b) any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*

- *that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *delivery of infrastructure;*
- *renewable energy generation; and*
- *minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.'*

Given the countryside location of the proposed development, the principle of the proposed development would fall to be considered under Policy S5 of the CLLP which relates to development in the countryside. Whilst the principles outlined above do not list residential development as an acceptable form of development, it defers

judgement of development proposals to the criteria within Policy S5 in terms of the appropriateness of residential development in the countryside. Part D of Policy S5 relates to the development of new dwellings in the countryside which states the following:

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

The proposed development would be for the erection of 5 no market dwellings in the countryside, and would not be essential for an agricultural worker. Therefore, it would be expected that the proposed development would be a departure from the development plan, specifically Policies S1 and S5 of the CLLP, and as a consequence, D6(3) of the Neighbourhood Plan.

The Parish Council have objected to the proposal due to its location within the open countryside.

Class Q Fallback

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. In most cases, a development being in conflict with Policies S1 and S5 of the CLLP would substantiate the application being refused. However, it is considered in this instance that there are material considerations that indicate otherwise that planning permission should be granted despite the conflict with the above development plan policies.

The argument in favour of the proposed development hinges on whether there is a 'real prospect' of a permitted development fallback and whether this fallback position should be afforded sufficient weight to outweigh the conflict with Part D of Policy S5 that has been outlined above. A commonly cited piece of case law is that of *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314 which ruled on the matter 'real prospects' and whether this is a material planning consideration in favour of granting planning permission where a development is in contrast to relevant policies in the development plan. A real prospect does not have to be likely, a possibility is enough to justify a real prospect.

Like any planning application, a proposal should be determined first and foremost in accordance with the development plan. In addition, a fallback position is not the only material consideration in an application; in all applications, the NPPF and Planning Practice Guidance (PPG) are or may be very important material planning considerations.

It is considered that a real prospect of a fallback position exists and this is a material consideration in favour of granting planning permission. The site has an extant prior approval (147245) for the change of use from the existing agricultural building into 5 no dwellings. This is extant until October 2026 and could be implemented subject to compliance with any relevant conditions.

Therefore, whilst the proposed development would not accord with Part D of Policy S5, it is considered that there is a real prospect of a fallback and this carries significant weight in favour of the proposed development.

Embodied Carbon

Whilst it is considered that a "realistic fallback" position exists, Policy S11 of the CLLP, Embodied Carbon, nonetheless states that there is a presumption against demolition:

'To avoid the wastage of embodied carbon in existing buildings and avoid the creation of new embodied carbon in replacement buildings, there is a presumption in favour of repairing, refurbishing, re-using and re-purposing existing buildings over their demolition. Proposals that result in the demolition of a building (in whole or a significant part) should be accompanied by a full justification for the demolition. For non-listed buildings demolition will only be acceptable where it is demonstrated to the satisfaction of the local planning authority that:

- 1. the building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed; or*
- 2. repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
- 3. repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or*
- 4. demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.'*

An Embodied Carbon Assessment has been submitted with the application which provides a comparison of two developments on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) to assess which solution provides a lower net carbon solution. This is considered an acceptable method as prior approval has already been approved for the conversion of the existing building to 5 dwellings.

The two developments are that proposed here, no.5 new dwellings and the approved prior approval application for the conversion of the existing building to 5 dwellings.

The submitted Assessment concludes that:

The conversion of the existing buildings results in buildings with lower embodied carbon over the life cycle due to the reuse of many of the existing building components. However, once operational carbon has been considered, the new build development proves to result in a lower whole life carbon scheme with and without consideration from renewable energy generation required under Planning Policy S7. The calculations demonstrate the total embodied carbon for Development A [5 new builds] is 834 TonnesCO₂e with an average 1,352 kgCO₂e/m². The total embodied carbon for Development B [conversion of existing building] is 1,091 TonnesCO₂e with an average 2,190 kgCO₂e/m². Development A exceeds the performance of Development B by a factor of 1.7 when comparing the whole life carbon including renewable energy.

Therefore repairing, refurbishing, re-using, or re-purposing the building would create dwellings with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean; a lower net carbon solution would arise from demolition and re-build.

Based upon the submitted information and the assessment outlined above, it is considered that the proposal would meet criteria 3 of Policy S11 as the construction of highly energy efficient dwellings with renewables would result in a lower embodied carbon footprint over the lifespan of the development. The main carbon savings would come from the higher operational carbon emissions of the lifespan of the development so it can be said in this instance that refurbishment would indirectly result in a higher carbon output. This would also satisfy criteria 4 in the sense that the new-build would offer an exceptionally high level of energy efficiency through lower energy demand, zero carbon heating and renewable energy generated on-site.

For these reasons, it is considered that the proposed development would accord with Policies S6, S7 and S11 of the CLLP.

This is undoubtedly a finely balanced decision, but it is considered that the standard of design and a high standard of thermal efficiency combined with the real prospect of a fallback position, outweigh the conflict with Policies S1 and S5 of the CLLP. The remainder of this report will assess the other relevant material planning considerations.

Visual Amenity

Policy S53 of the CLLP requires that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place which demonstrates a sound understanding on their context. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing, and form. Important views into, out of and through a site should also be safeguarded.

Nettleham NP policy D4 "Development proposals should positively address the relevant principles in the Nettleham Character Assessment and Design Code principles for the relevant character area in which they are located. The site is located in Character Area 4: Rural Outer Landscape of the Nettleham Character Assessment which comprises the largest part of Nettleham Parish and covers areas to the west, north, east southeast of the village. It is the rural outer landscape of the village and is formed of a predominantly arable field system.

The proposed scheme sees the removal of the existing large, modern agricultural building and replaced with 5 dwellings, 2 detached dwellings set towards the rear of the site and a block of 3 terrace dwellings towards the front of the site. The proposed dwellings have been designed to have a modern agricultural feel and are to be constructed from timber cladding and concrete which will retain the agricultural feel to the site but with a much higher quality and more aesthetic variation to that on site currently.

The existing agricultural building is large and unsightly. The proposed development has been designed to be in keeping with its context and the prevailing character and appearance of the area. The development reduces the massing and bulky appearance of the existing building whilst keeping the footprints of the dwellings largely within the footprint of the existing building.

There is currently no landscaping on the site which comprises of the agricultural building and large concrete apron to the front. The proposed development includes landscaping along all boundaries of the site.

It is considered that with the proposed landscaping, along with high quality materials the proposed development will offer a softer visual impact than if the existing bulkier building was converted and overall the proposed scheme would result in a visual improvement for this rural location.

It is considered that the overall nature, scale and external appearance of the proposed development achieves a modest betterment than the fallback position.

Whilst the design of the scheme in itself is considered to be acceptable on balance, granting full planning permission would offer a full suite of residential permitted development rights which could lead, if fully utilised, to an unacceptable harm to the character and appearance of the area via the use of extensions, alterations to the dwelling, outbuildings, unsympathetic boundary treatments and even additional floors. Therefore, it is considered that there is a clear justification for restrict all of Schedule 2 Part 1 of the Order (Development within the curtilage of a dwellinghouse), alongside Schedule 2 Part 2 Class A (gates, fences, walls etc.) which would otherwise permit boundary treatments up to two metres in height without planning permission.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things.

The proposed development would not have an unacceptable impact on residential amenity due to the size, scale and location of the proposed dwellings given its isolated location, with only one neighbouring property to the west of the site.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP

Highways and 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.

The Parish Council have raised concerns with regards to the increase in traffic along Sudbrooke Road.

The application site would use the existing access off Sudbrooke Road. The Highways Authority has reviewed the proposal and raise no objections. It is therefore not considered that there would be a harmful impact upon highway safety.

Further to the above, Appendix 2 of Policy S49 of the CLLP details the car parking standards required for residential development. It also states that '*Parking court style provision not associated with flatted development will only be acceptable in exceptional circumstances*'.

Appendix 2: Car Parking Standards

The Standards set out in Table A2.1. will be applied in Central Lincolnshire.

Table A2.1. Car parking standards in Central Lincolnshire

Accommodation type / size	Lincoln City Centre	Other Urban and Suburban Areas (including wider Lincoln urban area, main towns and market towns)	Villages and Rural Area
1 bed dwelling (C3)	No standards, each application considered on a case by case basis (with further detail provided in a Lincoln City specific SPD)	1	1
2 bed dwelling (C3)		2	2
3 bed dwelling (C3)		2	3
4 bed dwelling (C3)		2	3
5+ bed dwelling (C3)		3	3
Flatted Development		1 plus visitor allowance	1 plus visitor allowance
C4 Houses in Multiple Occupation		1 per bedroom	1 per bedroom
Sheltered Housing Category 1		1 space per unit, plus 1 per warden, plus 1 per 5 dwellings visitor spaces, plus 1 in 10 spaces to be disabled spaces. *	
Sheltered Housing Category 2			
Extra Care			
Residential care homes for elderly		1 space per FTE staff, plus 1 space per 5 beds for visitors, and 1 in 20 spaces to be disabled spaces*	1 space per FTE staff, plus 1 space per 3 beds for visitors, and 1 in 20 to be disabled spaces*
Residential institutions		1 space per FTE staff, plus 1 per 5 beds visitor spaces*	1 space per FTE staff, plus 1 space per 3 beds for visitors*
Halls of Residence		To be agreed on a case by case basis, 1 space per 40 beds as a starting point	

* Adequate circulation space for ambulances should also be provided.

The submitted plans show 3 parking spaces for each unit and meet the requirements of the CLLP. The proposal therefore accords to Policies S47 and S49.

Energy Efficiency

Local Policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy S7 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 that all such residential development proposals:

1. Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and
2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m²/yr and a site average total energy demand of 35 kWh/m²/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess

of 60 kWh/m²/yr, irrespective of amount of on-site renewable energy production.

An Energy Statement has been submitted with the application which demonstrates the total energy demand for the dwellings is 33.52Wh/m²/year.

Within the report it is estimated that the installation of a 73 photovoltaic array, spread across the 5 dwellings, will generate 25,887 Wh/m²/year. This will cover the energy required by the properties on site with a nominal surplus.

The report concludes *'This scheme would be a significant performance improvement compared to the minimum requirements of the Building Regulations. The proposed development includes an efficient building fabric with the use of renewables to be 'net zero'. As defined by Policy S7 the average proposed development's total energy demand is calculated to be 33.52 kWh/m² /yr and includes an assessment for regulated and unregulated energy. No dwelling has a total energy demand of 60 kWh/m² /yr. As proven the development can generate at least the same amount of renewable electricity on-site by the proposed solar photovoltaics array to be mainly located on the buildings two storey southeast facing roof. The buildings post construction will benefit from Smart Meters that will allow for monitoring of electricity use.'*

From the information submitted it is considered that the proposal meets the requirements of policy S7 of the CLLP.

Flood Risk and drainage

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. Paragraphs 159 and 167 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere. The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding.

It is proposed to utilise soakaways to accommodate any surface water drainage and a package treatment plant for foul sewage.

In relation to drainage, it is noted that the application form states that soakaways are proposed for surface water and a package treatment plant for foul. However, no specific information to prove their adequacy for the development have been included. Consequently, further information is required in this regard and will be secured with conditions to ensure a suitable drainage scheme is achieved. With such conditions in place the development would be expected to accord to local policy S21 of the CLLP and the provisions of the National Planning Policy Framework.

Biodiversity Net Gain

Planning legislation requires a mandatory 10% biodiversity net gain. This is secured through a statutory condition.

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.”

An Ecology Report and Statutory Metric have been submitted with this application.

The statutory biodiversity metric is the way of measuring biodiversity value for the purposes of BNG. It measures all types of habitat and is measured in standardised biodiversity units. The statutory biodiversity metric measures the biodiversity value of habitats by calculating the number of biodiversity units. It calculates how many units a habitat contains before development takes place and how many units are needed to replace the units of habitat lost and to achieve 10% BNG, through the creation or enhancement of habitat.

This application sees the 10% BNG provided ‘on site’ which consists of a separate parcel of land located to the north of the application site, which adjoins an existing BNG site in the applicants ownership.

Following consultation with our Ecologist and amendments made to the metric the Ecologist was satisfied and requested conditions be added to secure the on site provision.

Other matters:

Water Efficiency

Policy S12 states that all residential development or other development comprising new buildings:

- with outside hard surfacing, must ensure such surfacing is permeable (unless there are technical and unavoidable reasons for not doing so in certain areas) thereby reducing energy demand on the water recycling network;
- should consider the potential to incorporate a green roof and/or walls in accordance with Policy S20; and
- which is residential and which includes a garden area, must include a rain harvesting water butt(s) of minimum 100l capacity.

Appropriate conditions would be added to the decision in the event permission were to be granted to ensure that the dwelling has a rainwater harvesting water butt installed prior to occupation.

Conclusion and reason for decision:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon S12: Water Efficiency and Sustainable Water Management, S14: Renewable Energy, NS18; Electric Vehicle Charging, S20:

Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S60: Protecting Biodiversity and Geodiversity and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan and policies D1 – Parking Standards for New Residential Development, D3 – Water Resources, Quality and Flood Risk, D4 – Design of New Development and Parish Design Code Principles and D5 – Climate Change Mitigation and Adaption contained within the Nettleham Neighbourhood Plan. Relevant guidance in the NPPF has also been considered.

In light of the assessment outlined in this report, it is considered that the proposed development be in contrast with Policies S1 and S5 of the Central Lincolnshire Local Plan. However, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning decisions should be determined in accordance with the Development Plan unless there are material considerations that indicate otherwise.

The site is subject to an extant prior approval permission (147245) afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having regard for *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314, it is considered that there is a 'real prospect' of a fallback position afforded by Class Q which is equal to, if not marginally more harmful than the scheme that is being proposed as part of this application. This material consideration is afforded significant weight in favour of the proposed development and in combination with the likely improvements in thermal efficiency is afforded modest weight in favour of the proposed development. These material considerations are considered to outweigh the harm associated with the proposal development that would result from the policy conflict outlined above.

It is acknowledged that this is a finely balanced decision, but in the absence of other reasons for refusal, it is considered that the proposed development is acceptable on its merits and it is recommended that planning permission is granted subject to conditions.

Recommended Conditions

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

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

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

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

2. No development hereby permitted must take place until a written Habitat Management and Maintenance Plan [HMMP], in accordance with the most recently submitted Statutory Biodiversity Metric dated 14th July 2025 and prepared by Kiran Johal Mzool, has been submitted to and approved in writing

by the Local Planning Authority. The HMMP shall relate to all 'significant' biodiversity gains on site and must be strictly adhered to and implemented in full for a minimum of 30 years following the initial completion period approved pursuant to condition 11. The HMMP document must be produced in accordance with sections listed below:

- a) a non-technical summary;
- b) the roles and responsibilities of the people or organisation(s) delivering/monitoring the [HMMP];
- c) the details of funding, resources and mechanisms for long term delivery of the [HMMP].
- d) the planned habitat creation and enhancement works for the initial 5 completion period to create or improve habitat.
- e) the management measures to maintain habitat for a period of 30 years from the end of initial habitat creation.
- f) the monitoring/reporting methodology and frequency in respect of the retained, created and/or enhanced habitat to be submitted to the local planning authority on years 1, 5, 10, 15, 20 and 30. All reports must be submitted no later than September 1st on each reporting year (reports may be produced by those meeting the definition of a competent person as defined by the statutory Small Site Metric user guide)
- g) the mechanisms of adaptive management and remedial measures to account for changes in the work schedule to achieve required targets.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

3. No development shall take place until a written Ecological Mitigation & Enhancement Plan (EMEP) prepared in accordance with the Preliminary Ecological Appraisal and Reptile Surveys dated October 2024 and prepared by Archer Ecology is submitted to and approved in writing by the local planning authority. The EMEP shall include: -

- Details of any precautionary method statements for protected species
- Details of a sensitive lighting strategy
- Details of wildlife friendly landscaping within curtilage of private dwellings (including native tree planting, garden ponds, flowering lawns and urban greening [i.e. rain gardens])
- Details of educational leaflets to be provided to all residence as to the enhancements for wildlife within their own cartilage and the wider development.
- Details, specification location of hedgehog highway within all closed panel fence boundaries and 1x hedgehog refugia
- Details, specification, locations of amphibian friendly curb and drain treatments.
- Details, specification and location of the following species enhancements incorporated into structures across the site:

- Integrated bird boxes, Total across site to be equal to number of dwellings (swift bricks should be installed in groups of 3)
- 1x Pole mounted Owl boxes
- Integrated bat boxes, Total across site to be equal to number of dwellings
- 2 bee/insect bricks per dwelling

The EMEP shall be implemented in strict accordance with the approved plan. All features shall be installed during construction and retained as such thereafter.

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

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

4. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings:
 - J20001-PL-00 P01 dated 23/7/25
 - J20001-PL-01 P02 dated 23/07/25
 - J2000a-PL-02 P04 dated 19/9/25
 - J2000a-PL-03 P01 dated 23/7/25
 - J2000a-PL-10 P01 dated 01/11/24
 - J2000a-PL-11 P01 dated 01/11/24
 - J2000a-PL-12 P02 Dated 19/9/25
 - J2000a-PL-13 P01 dated 01/11/24
 - J20001-PL-20 P02 dated 19/9/25
 - J2000a-PL-21 P02 dated 19/9/25

The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

5. No development above foundations level shall take place until a scheme of foul sewage and surface water drainage has been submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To prevent flooding and protect future residents to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

6. The development hereby permitted shall be carried out in accordance with the details set out in the Amended Energy Statement A02 dated 18th October 2025 unless otherwise agreed 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 (2023).

7. Prior to occupation of the dwelling hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the Amended Energy Statement A02 dated 18th October 2025 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.

8. No external lighting shall be installed on the development hereby permitted unless a scheme of external lighting is submitted to and agreed in writing with the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development hereby permitted does not have an unacceptable impact on residential amenity to accordance the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

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

Reason: In order to safeguard human health in accordance with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan.

10. The Biodiversity Gain Plan shall be prepared in accordance with the most recently updated Statutory Biodiversity Metric dated 14th July 2025 and prepared by Kiran Johal Mzool.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

11. Notice in writing shall be given to the Council within 15 working days of the Initial habitat creation and enhancement works as set out in the HMMP being completed.

Reason: To ensure the development delivers a biodiversity net gain on site in accordance with Schedule 7A of the Town and Country Planning Act 1990 and Policy S61 of the Central Lincolnshire Local Plan 2023-2043.

12. Prior to occupation of the approved dwelling evidence must be submitted to and approved in writing by the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

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

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), no development as may otherwise be permitted by virtue of the following:
→ Schedule 2 Part 1 Classes A, AA, B, C, D, E, F, G and H of the Order shall be carried out within the curtilage of the dwelling permitted; and → Schedule 2 Part 2 Class A.

Reason: To ensure that the development hereby permitted does not have an unacceptable impact on the character and appearance of the area in accordance with paragraph 130 f) of the National Planning and Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

Informatives:

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 the Highway Authority's 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 the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Decision Level: Committee

Human Rights Implications:

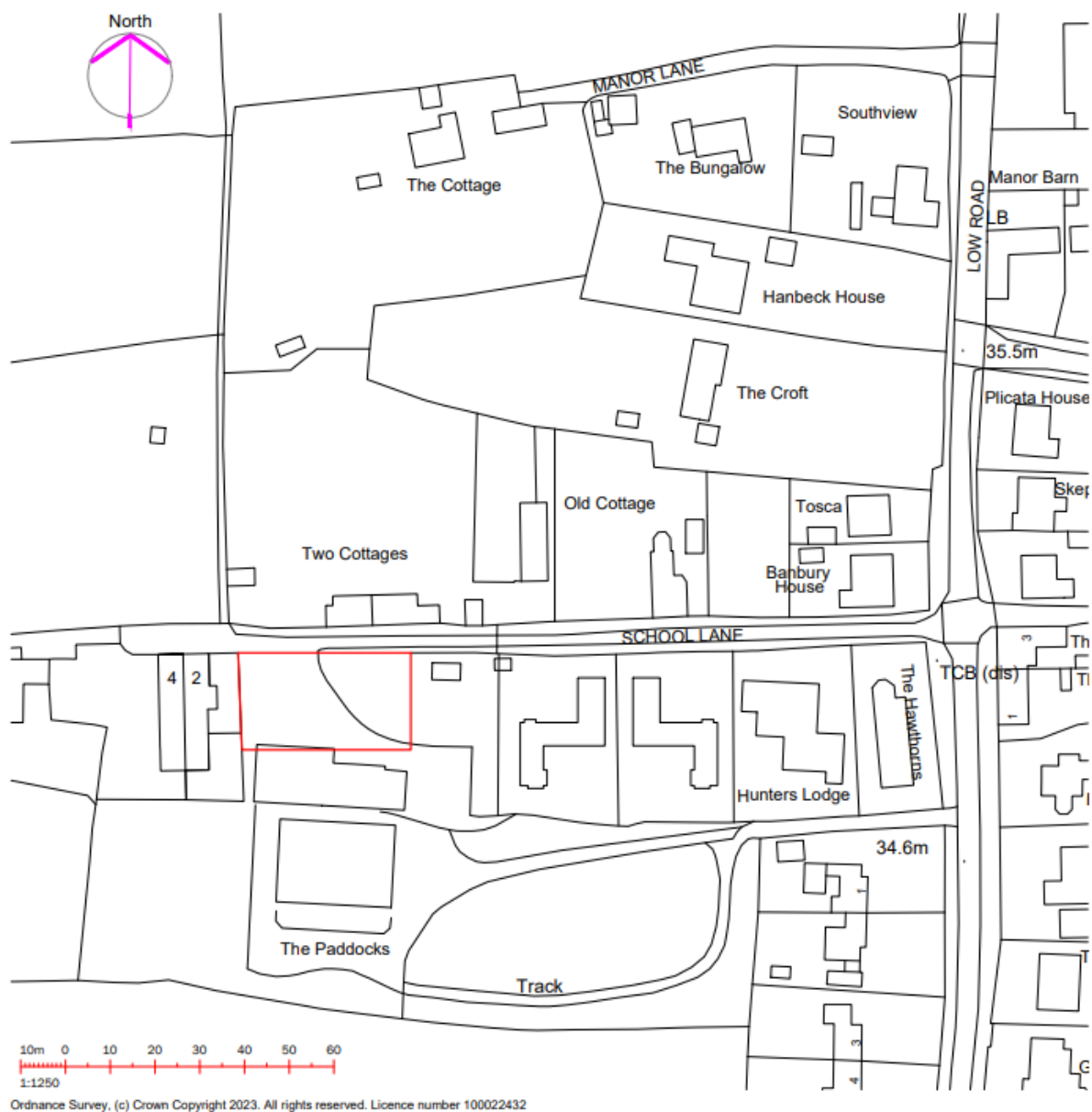
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Legal Implications:

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

Agenda Item 6b

Site Location Plan WL/2025/00837



Officers Report

Planning application No: WL/2025/00837

PROPOSAL: Planning application to erect 1no. detached single storey dwelling including garage.

LOCATION:

LAND AT SCHOOL LANE
GRAYINGHAM
GAINSBOROUGH
DN21 4EU

WARD:

WARD MEMBER(S): Cllr P Howitt Cowan

APPLICANT NAME: Mr T Dawes

TARGET DECISION DATE: 09/10/2025 (Extension of time agreed until 17th October 2025)

CASE OFFICER: Danielle Peck

Recommended Decision: Grant planning permission with conditions

The application is presented to the planning committee for determination as Grayingham Parish Meeting have raised matters that are considered to be finely balanced in relation to compliance with Policy S1 of the Central Lincolnshire Local Plan.

Site Description: The application site relates to a vacant area of land, previously used as a vehicle breakers yard within the settlement of Grayingham. The site is adjoined by two recently constructed dwellings to the east, with other residential dwellings to all other boundaries. The site is bounded by hedging to the front (north). A Public Right of Way runs also runs adjacent to the north boundary along School Lane, ref Gray/10/1.

The Proposal: The application seeks full planning permission for the erection of single storey, three-bedroom dwelling and a detached double garage.

The dwelling would have the following approximate measurements; 26.2m in max width, 12.7m in max depth, 2.6m to the eaves and 4.2m in total height.

The detached double garage would have the following approximate measurements; 6.2m in width and 6.2m in depth, 2.5m to the eaves and 4.1m in total height.

Relevant Planning History

Reference	Proposal	Decision
WL/2025/00886	Planning application for change of use of agricultural and commercial land to domestic with erection of detached garage, new paved entrance apron to existing drive, and proposed permeable surfacing of part of existing drive.	Under Consideration
121501	Planning application to demolish existing shed/utility building and rebuild with pitched roof.	Granted time limit plus conditions
133434	Retrospective planning application for change of use from residential to B2 use	Granted time limit plus conditions 01/12/2015
WL/2024/01009	Application for prior notification of proposed demolition of former single storey commercial building.	Prior Approval required and given . 16/12/2024
Sites to the east		
WL/2024/00360	Planning application for the erection of 1no. dwelling with associated access.	Granted with conditions 12/09/2024.
147469	Planning application for erection of 1no. dwelling with associated access.	Granted with conditions 15/02/2024.

Representations

Comments have been summarised, full versions of the representations received are available on the Councils website using the following link: [West-Lindsey | Public Portal](#)

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

Grayingham Parish Meeting: **Objects.**

Summarised as follows:

- When determining this new proposal the Parish also requests you please take into account that in the last two years TWO new dwellings on School Lane have been granted permission & are now built, our reasons are set out below. Previous applications Ref. 147469 & WL2024-00360.

- The current 2023 'Central Lincolnshire Local Plan' (CLLP) Policy refers to Grayingham as a Hamlet & is not in a hierarchy & therefore has NO minimum growth requirement. Within the last two years two applications for a 'single infill Dwelling' on Land (Plot 1 & Plot2) associated with No.2 School Lane have been granted permission & completed. Now this, a third application proposal (Plot 3). This is now a multiple infill development. We believe that the methodology used by the developer, submitting individual applications several months apart is abuse of the criteria.
- Grayingham is not a sustainable location for further developments. There is very little work within the Parish & a lack of facilities to meet the day-to-day needs of residents. Apart from the Church, Grayingham has no social, educational, retail, healthcare services. Although it does have a limited bus service, it doesn't run 7 days a week; the reality is the use of a car still remains an essential mode of transport for those that live here, going about their daily lives.
- This proposal when considered in conjunction with the TWO recent new dwellings on School Lane will constitute effectively 'multiple' infill dwellings, resulting in both a 'cramming effect' NOT in keeping with the Local 'Natural Environment' in Grayingham. This proposal still further significantly changes the rural open feel of the settlement. The lack of garden, green space, introduction of wooden boundary fencing as opposed to hedgerows, very large paved areas will further reduce the effectiveness of the minimal retained hedgerow for any encouragement of habitat, which previously attracted a range of wildlife, birds, and hedgehogs, no longer allowing other species to establish themselves. This needs to be protected & ideally enhanced. CLLP Policy 53 states 'development must contribute positively to local character & landscape'. This proposal DOES NOT achieve that. The two new dwellings to the east of this proposal have mostly hard landscaping. this is creating a character resembling URBAN development in what is a RURAL settlement in the open countryside.
- In particular, Highways Safety, & risks involved when a vehicle turns into school lane only to find no suitable turning area up the lane, so have to reverse back down the lane & out on to Low Road 'BLIND'. This occurs often, particularly with delivery vehicles & drivers unfamiliar with the Grayingham. Previously this has resulted in one resident nearly being knocked down, having to jump out of the way of the reversing vehicle. Note that Grayingham has NO actual footpaths just verges of varying widths throughout the settlement. Another resident who lives on Low Road near the junction with School Lane had their parked car damaged by a vehicle reversing out 'BLIND' on to Low Road. Although the proposed dwelling will have a private turning space for their own vehicles, these spaces don't help other visiting vehicles turn, hence they end up reversing out on to Low Road blind. Grayingham Parish is very disappointed once again with what Highways have said in their already submitted comments on this application.

- Another dwelling will inevitably increase the traffic volume further & hence the number of near misses & risk to public safety when in particular delivery vans reverse out blind on to Low Road. We have seen an increase & so far only one of the two new builds are occupied. Eventually this will lead to an accident. In Summary - School Lane at a width of only 2.5 metres, is extremely narrow; it has NO turning space at the top end & NO passing places. Visiting vehicles not entering private residences are required to either reverse into the lane to enable them to exit in a forward direction. However, those who don't know there is no turning space, end up having to reverse 'Blind' back out onto Low Road.
- Grayingham Parish residents are very concerned about the effect more growth will have on the existing capacity of our utility services; particularly with reference to the sewerage infrastructure. Resident living close to the Grayingham sewerage pumping station, at the south end of Grayingham see road tankers visiting to remove excess volume when the pumping station is unable to cope, as is often the case in winter & following periods of heavy rainfall. Grayingham Parish suggests the sewerage infrastructure may be already over its design capacity... We understand that Grayingham had only a total of 20 dwellings in 1971 when the Mains Sewerage System was installed, we don't know what the actual designed capacity is in terms of number of dwellings, we do know that it now has over 130% more properties connected to the system today.
- School Lane has no provision for drainage of surface water, this is a problem when very heavy rain occurs, it flows down hill to Low Road like a river, made worse by run-off from other properties. This just recently caused flash flooding along Low Road, which resembling a river, the drains just cannot cope with this excess volume. Any additional new driveways created by development would just compound the problem, even permeable surfaces, which surprisingly have not been suggested for this proposal but should be, only work to an extent with moderate rates of rainfall, heavier rainfall will just run off down School Lane.
- Grayingham Parish understands that land in this part of Grayingham may be of significant archaeological importance. This site lies near an area which has the remains of the once much larger and now shrunken medieval settlements of Great and Little Grayingham. The Parish believe it is essential archaeological evaluation MUST be carried out on this site prior to determination. We believe any archaeological material buried on the site MUST NOT be destroyed by a development of any sort.
- The Rural Settlement of Grayingham relies on the NPPF & Central Lincolnshire Local Plan 2023 Policies to provide the controls on development in these settlements; These policies should ensure the character of small rural settlement are retained. That character being the very reason many residents came & wished to continue living here. The Parish believe it has demonstrated that the adverse impacts of this development would outweigh any benefits it could provide; it would have an adverse impact in many respects on the quality

of the lives of those currently living here; these comments demonstrate this development in Grayingham is NOT SUSTAINABLE.

- Based on but not restricted to the points made in these comments, Grayingham Parish Meeting OBJECTS to this application & urge that planning permission be REFUSED.

Local residents/ Third Party Representations:

Objections have been received from the following addresses;

**Two Cottages, School Lane, Grayingham
Evercreech, Low Road, Grayingham x 2
The Old Cottage, School Lane, Grayingham x 2**

Objections have been summarised as follows:

- Principle- Grayingham is not a sustainable location for development, it has no facilities or local infrastructure to meet the needs of residents. In the CLLP Grayingham is currently not in a hierarchy and has no minimum growth requirement. This is now a multiple infill development, the previous applications must be taken into account when determining this application.
- Residential Amenity- The proposed bungalow would be 13m from the dwelling at Two Cottages and would directly overlook this dwelling as well as being overbearing, resulting in unacceptable amenity impacts;
- Character of the area- This area is defined by traditional development and has a rural character. The proposal would erode this character. The proposal would result in a cramming effect being so close to the property to the north.
- Highways safety- The existing access point is too narrow. School Lane is a private lane that has to be maintained by the property owners. It has a tarmac service but was never constructed to have 30 tonne + vehicles that are used in the construction of the properties. School Lane is single track and to exit the lane lorries have to reverse onto Low Road into on coming traffic. The lane is access to a public footpath and will become even more dangerous for the general public.
- Heritage Impacts- Two Cottages, to the north of the site is an historic property, the proposal is not in character with the adjacent stone built dwelling dating pre 1900's or the nearby Grade II* listed church, this proposal will be visible from the church tower.
- Biodiversity/ Landscaping- The hedges on this lane should be retained.
- Drainage- Concerns with the capacity of sewerage system and that it cannot cope with the new build properties connecting to the mains. Concerns with additional surface water run off during heavy rain, the drains at Low Road

cannot cope with heavy rainfall and often causes flash flooding. The plans do not indicate a Permeable Surface for the proposed driveway.

One Letter of Support has been received from 1 Low Road, Grayingham.

I wholeheartedly support this application on the grounds that this development will greatly enhance the area. Originally this land had been occupied by a vehicle breakers operating from a suite of derelict stables, the planned dwelling will only improve the space and therefore the overall ambience of the community. Previous developments on this lane have not had the negative impact which had been forecast by those in opposition and I cannot see how this development will be any different.

LCC Highways and Lead Local Flood Authority: No objections. The proposal utilises and existing access and provides adequate off road parking, therefore it will not have an unacceptable impact on the public highway.

As Lead Local Flood Authority, Lincolnshire County Council is required to provide a statutory planning consultation response with regard to drainage and surface water flood risk on all Major applications. This application is classified as a Minor Application and it is therefore the duty of the Local Planning Authority to consider the surface water flood risk and drainage proposals for this planning application.

Recommends an informative.

Shire Group of IDBs: Provides guidelines for any increase in surface water discharge. Recommends a condition.

LCC Archaeology: No representations received to date.

Relevant Planning Policies and Legislation:

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), the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

• ***Central Lincolnshire Local Plan 2023 –***

Relevant policies of the CLLP include:

S1 The Spatial Strategy and Settlement Hierarchy
S4 Housing Development in or Adjacent to Villages
S6 Design Principles for Efficient Buildings
S7 Reducing Energy Consumption –Residential Development
S12 Water Efficiency and Sustainable Water Management
S20 Resilient and Adaptable Design
S21 Flood Risk and Water Resources
S23 Meeting Accommodation Needs

S47 Accessibility and Transport
S49 Parking Provision
S53 Design and Amenity
S56 Development on Land Affected by Contamination
S60 Protecting Biodiversity and Geodiversity
S61 Biodiversity Opportunity and Delivering Measurable Net Gains
S66 Trees, Woodland and Hedgerows

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

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

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

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

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in December 2024. Paragraph 232 states:

However, existing 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).

<https://www.gov.uk/government/publications/national-planningpolicy-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 Model Design Code (2021)

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

Main Considerations:

- Principle of development;
- Visual Amenity;

- Residential Amenity;
- Highways and Public Right of Way;
- Energy Efficiency;
- Ecology and Biodiversity;
- Drainage;
- Contamination.

Assessment:

Principle of the Development

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

Policy S1 of the Central Lincolnshire Local Plan sets out a spatial hierarchy for the central Lincolnshire authorities. The spatial strategy will focus on delivering sustainable growth for Central Lincolnshire that meets the needs for homes and jobs, regenerates places and communities, and supports necessary improvements to facilities, services and infrastructure.

Grayingham is not explicitly listed in Policy S1; however, it is considered that Grayingham is a 'hamlet' (tier 7) as the village has a dwelling base of at least 15 dwellings which are clearly clustered together to form a single developed footprint. Policy S1 does acknowledge that hamlets can support single dwelling infill developments, within the 'developed footprint' of such hamlets. Within the glossary of the CLLP, infill is defined as; *Development of a site between existing buildings*.

It is noted that the Parish Meeting refer to the site not being within a sustainable location and that the proposal, in cumulation with the dwellings (WL/2025/00360 and 147469) previously approved to the east, would now constitute a 'multiple' infill development and would not meet with Policy S1.

As stated above it is recognised that Grayingham is a hamlet, taking into consideration the definition within Policy S1. The application site is located in between no. 2 School Lane (west) and a newly built dwelling granted planning permission under reference WL/2024/00360 to the east. The development of 1no. dwelling in this location is considered to meet with the definition of 'infill' as defined within the glossary, given its siting in between existing buildings, and would be a single dwelling infill in accordance with the wording of Policy S1. It is also considered to be within the 'developed footprint' of the village, being surrounded by existing residential development.

The proposal would therefore, in principle, accord to Policy S1 within the Development Plan subject to an assessment of all other relevant material considerations.

Visual Amenity

Policy S53 states that development proposals will; *Contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness; and reflect or improve on the original architectural style of the local surroundings, or embrace*

opportunities for innovative design and new technologies which sympathetically complement or contrast with the local architectural style.

The application seeks planning permission for the erection of a bungalow and detached double garage. dwelling would have the following approximate measurements; 26.2m in max width, 12.7m in max depth, 2.6m to the eaves and 4.2m in total height. The detached double garage, located to the west of the proposed dwelling would have the following approximate measurements; 6.2m in width and 6.2m in depth, 2.5m to the eaves and 4.1m in total height.

Proposed materials to be used in the development are indicated as consisting of a red facing brick with dark grey concrete plain rooftiles, with white/cream external doors and windows.

Within this area of Grayingham there are varying styles of dwellings and a range of differing materials. There are two recently constructed dwellings directly to the east with older properties to the north and west. In addition to this, there are single and two storey dwellings directly adjoining the site to all boundaries, all of which are in differing plot sizes.

The objections received sight issues with a cramming effect and ribbon development with this site and the adjacent site to the east. The effects of ribbon development are only usually relevant where there are sites on the edge of settlements, as stated in the above principle section the site is considered to be within the developed footprint of Grayingham. With regards to 'cramming' the dwelling and detached garage occupy a modest footprint within the site; however, this is not considered to be harmful to the character of the wider area, the proposed site plan shows that there is ample room for the dwelling and outdoor amenity space.

Overall, the bungalow and garage by virtue of their design, scale and siting are not considered to have a harmful impact upon the character of the area or street scene and would accord to the aims of Policy S53.

Residential Amenity

Part 8, criteria d of Policy S53 of the CLLP states that development proposals will: *d) 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;*

The site is adjoined by other residential properties to all boundaries. The Paddocks is located to the south, with a newly constructed bungalow located to the east and a two-storey dwelling to the west. Two Cottages, another residential property is located beyond the north boundary.

Concerns have been raised by the occupiers of Two Cottages in relation to the development and that it would have unacceptable amenity impacts. This property is, at its closest point, located c. 13.2 metres away from the proposed dwelling. There are no prescribed separation distances between elevations within planning policy, this is a judgement for the decision maker. Considering the separation distance together with

the intervening screening in the form of the hedge as well as the single storey nature of the dwelling, it is not considered that there would be any harmful overlooking impacts.

In relation to the comments around the dwelling being overbearing, the bungalow is single and has a total height of c. 4.2 metres. At this height the development is not considered to be overbearing for any of the adjoining dwellings.

The proposed dwelling is single storey in scale and is adequately separated from all the shared boundaries as to not cause any dominating or overshadowing impacts. There are no openings that would cause unacceptable levels of overlooking and views would be screened by proposed boundary treatments (fencing) given that the dwelling is to be a bungalow. There are no other amenity concerns arising from the development.

The dwelling itself has an appropriate level of indoor and outdoor amenity space for future occupiers.

Overall, the proposal would not have a harmful impact upon neighbouring amenity and would accord to Policy S53 of the Central Lincolnshire Local Plan and the NPPF.

Highways and Public Right of Way

Policy S47 of the CLLP states that development proposals which contribute towards an efficient and safe transport network that offers a range of transport choices for the movement of people and goods will be supported.

In regards to severe highway safety impacts, Paragraph 115 of the NPPF states:
115. 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.

Many of the comments received state concerns with highway safety and make reference to the narrow width of the existing road. They also state that at present some vehicles have to reverse back down School Lane and back out onto Low Road, it has to be acknowledged that this situation would remain the same if the development were to be granted or not. This has been reviewed by the Highways Authority whom have no objections.

Concerns have been raised by residents in relation to the access and utilisation of School Lane. The site would utilise an existing, long standing access point off School Lane. The access previously served the site when it was in use as a breakers yard and could reasonably be brought back into use at any time and be used by an unrestricted number of vehicles. Whilst the dwelling would increase the amount of vehicle movements together with the two dwellings that have already been built out it is not considered that these additional movements would be at the detriment to highway safety.

Policy S49 and Appendix 2 of the CLLP set out parking standards for new dwellings within the district. For new dwellings in Hamlets Appendix 2 of the CLLP states that

for three- bedroom dwellings, three parking spaces should be provided. The proposed site plan demonstrates off road parking for numerous cars as well as turning provision within the site.

There is a Public Right of Way that runs adjacent to the north boundary of the site ref Gray/10/1, this would remain unaffected by the development.

Overall, the proposal would accord to Policies S47 and S49 of the Central Lincolnshire Local Plan.

Energy Efficiency

Policy S6 of the CLLP states a set of design expectations that should be considered when formulating development proposals. This includes the orientations of buildings, form of buildings, fabric of buildings, heat supply and renewable energy generated.

In addition to this Policy S7 of the CLLP requires that all new residential development proposals must include an Energy Statement which confirms that in addition to the requirements of Policy S6 that all such residential development proposals, *can generate at least the same amount of renewable electricity on- site and to help achieve this point, target achieving a site average space heating demand of around 15-20kWh/m2/yr and a site average total energy demand of 35 kWh/m2/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m2/yr, irrespective of amount of on-site renewable energy production.*

The application has been accompanied by an Energy Statement by G Reports dated June 2025. In terms of the design principles in S6, the dwelling has been designed with a 'fabric first' approach, with acceptable u-values. The location of the main habitable rooms is spread across the Southern, Eastern and Western aspects of the building, to make full use of the natural daylight and the warmth of the sun. Overheating can be a consequence of maximising solar gain and care has been taken to ensure the dual aspect of the glazing design to allow cross ventilation.

Using SAP modelling, the proposed dwelling is calculated to have a space heating demand of 8.75 kwh/m2/yr with a total predicted energy demand of 39.41kwh/m2/yr, whilst this figure is slightly over the figure contained within S7, it is considered that the proposal has taken then necessary steps to meet with the figures where possible as well as providing enough solar panels to meet the demand (see below).

The submission has been accompanied with 'Pre-Built' estimates of energy performance. Full SAP calculations have been included as an appendix to the statement as well as estimates of unregulated energy usage, detailed in Appendix C along with a summary of compliance table. To meet the total energy demand of the dwelling a total of 12no. solar panels are proposed, these have been shown on the roof plan/ elevations of the dwelling.

Overall, subject to conditions, the proposals would accord to Policies S6 and S7 of the Central Lincolnshire Local Plan.

Ecology and Biodiversity

In England, BNG is mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Developers must deliver a BNG of 10%. This means a development will result in more or better-quality natural habitat than there was before development.

The application has been submitted with a suite of documents in relation to BNG and Ecology, including the following;

- Ecological and Biodiversity Net Gain Statement by ESL ecological services dated July 2025;
- The Statutory Biodiversity Metric;
- Statutory Biodiversity Metric Conditions Assessments.

In terms of the baseline for the site, the report details that there is 0.06 habitat units and 0.08 hedgerow units and no watercourse units. The survey details that the existing site comprises of a sealed surface and modified grassland.

The results indicate that there will be a 8.63% and 0.00% net loss for habitats and hedgerows respectively. This means that an additional 0.01BUs will be required through habitat and enhancement measures to achieve the 10% BNG target for both habitats and hedgerows.

It is recognised that the 10% on site gain is more difficult to achieve for minor development proposals, given that tree and hedge planting within private gardens cannot be counted toward the 10% gain as it is not possible to secure its maintenance for the period of 30 years. The red line of the application site is drawn so tight to the site boundary that there is no opportunity for an on-site gain. Therefore, following the hierarchy, the developer will need to purchase off site units to provide the 10% Gain.

The application is subject to the biodiversity gain condition which is a pre-commencement condition: once planning permission has been granted. The condition will require the submission of a Biodiversity Gain Plan which will be approved by the planning authority before commencement of the development.

Drainage

Policy S21 of the Central Lincolnshire Local Plan states that development proposals adequate mains foul water treatment and disposal already exists or can be provided in time to serve the development and that proposed surface water disposal should follow the surface water hierarchy.

The application site is located within Flood Zone 1 and is not at risk of surface water flooding as defined by the Environment Agency's flood risk maps for flooding¹.

The application form indicates that surface water is to be disposed of by soakaways and foul drainage will connect to the mains system. In principle these methods are

¹ [Map – Flood map for planning – GOV.UK](#)

acceptable and follow the principles within the drainage hierarchy's. No detailed drainage designs have been provided as part of the application therefore a scheme will be secured by a condition.

The comments received make reference to the existing foul water disposal issues at a nearby treatment works. Foul water service providers have to provide appropriate capacity within the network for new development, such matters would be agreed with the service provider to ensure that there is capacity prior to any connection being made. It is not for a single infill development to provide solutions to wider foul water disposal issues that may be happening within the area or at nearby treatment works.

Concerns have been raised in relation to surface water drainage issues within Grayingham. It is not for single infill development to deal with surface water run off issues within the rest of the village, it is also not considered that the development, along with the other two approved would contribute in such a negative way to surface water run-off that would warrant a reason for refusal. The two dwellings approved to the east have demonstrated that they can deal with surface water by using soakaways, they are therefore not linked into the mains drainage system and can deal with surface water disposal within their respective site boundaries. As detailed above this application also indicates in principle that it can do the same, subject to condition. Overall, the proposal would accord to Policy S21 of the CLLP.

Contamination

Policy S56 states that; *Where development is proposed on a site which is known to be or has the potential to be affected by contamination, a preliminary risk assessment should be undertaken by the developer and submitted to the relevant Central Lincolnshire Authority as the first stage in assessing the risk of contamination.*

Given the sites former use as a vehicle breakers yard there is the potential for contamination to be present. It is therefore considered necessary to add a condition to deal with contamination in the event that any is found during the development.

Other Matters

Comments from the occupiers of Two Cottages, opposite the site, have stated that their property is of a historic value and make reference to the LPA considering the effect of an application on the significance of a non-designated heritage asset. It is acknowledged that the dwelling is of age, it is not however noted on the Lincolnshire Historic Environment Record, nor is it noted within any local list. The LPA do not therefore need to do an assessment on the effects on a Non- Designated Heritage Asset. Matters of character and appearance have been addressed in the relevant section of this report.

Conclusion and reason for decision: The application has been assessed against Policy S1: The Spatial Strategy and Settlement Hierarchy, Policy S4: Housing Development in or Adjacent to Villages, Policy S6: Design Principles for Efficient Buildings, Policy S7: Reducing Energy Consumption- Residential Development, S12 Water Efficiency and Sustainable Water Management, Policy S20: Resilient and Adaptable Design, Policy S21: Flood Risk and Water Resources, Policy S47:

Accessibility and Transport, Policy S49: Parking Provision, Policy S53: Design and Amenity, S56 Development on Land Affected by Contamination, Policy S57: The Historic Environment, Policy S60: Protecting Biodiversity and Geodiversity, Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains and Policy S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan 2023 in the first instance as well as guidance within the NPPG and the provisions of the NPPF.

In light of this assessment the principle of a dwelling in this location is considered to meet with the provisions of Policy S1 in that the site is an infill development within a Hamlet. The proposal would not have an unacceptable visual impact on the character of the area and is considered to be acceptable in terms of the impact upon residential amenity. The proposal would not cause harm to highway safety. The proposal would meet with the energy efficiency aspirations of S6 and S7 as well as providing biodiversity enhancements, subject to conditions. It is recommended that planning permission is granted subject to conditions.

Decision Level: Committee

RECOMMENDED CONDITIONS

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

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

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

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

None.

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

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

Site Location Plan 720.07A
Scheme Block Plan 720.06 B
Floor Plans, Elevations and Sections 720.05C

The work, including proposed materials shall be carried out in accordance with the details shown on the approved plans.

Reason: To ensure the development proceeds in accordance with the approved plans.

3. The Biodiversity Gain Plan shall be prepared in accordance with the Ecological and Biodiversity Net Gain Statement dated July 2025 and prepared by ESL Ecological Services.

Reason: To ensure the development delivers a biodiversity net gain in accordance with Schedule 7A of the Town and Country Planning Act 1990.

4. No development shall take place above foundation level 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 scheme shall detail how the drainage hierarchy has been followed in relation to surface water. The development shall only be carried out in accordance with the approved details.

Reason: To ensure adequate drainage facilities are provided to serve the development and to prevent pollution of the water environment in accordance with Policy S21 of the Central Lincolnshire Local Plan 2023.

5. The development hereby permitted shall be carried out in full accordance with the details set out in the submitted Energy Statement by G Reports dated June 2025 unless otherwise agreed 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 (2023).

6. Prior to the occupation of the dwelling hereby approved 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 by G Reports received June 2025 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 (2023).

7. Prior to the first occupation of the development, a scheme of landscaping including details of the size, species and position or density of all trees and hedges to be planted, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall also include details of all new hard landscaping, including proposed boundary treatments. All planting comprised in the approved details of landscaping shall at the latest be carried out in the first planting season following the occupation of the relevant dwelling; and any landscaping which within a period of 5 years from the completion of the development dies, is removed, or becomes 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.

Reason: In the interests of biodiversity enhancements and visual amenity in accordance with Policy S53 and Policy S60 of the Central Lincolnshire Local Plan 2023.

8. The development hereby permitted shall proceed in strict accordance with the recommendations contained within Section 6 of the Ecological Appraisal by ESL dated July 2025.

Reason: In the interests of protected species in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

9. Prior to occupation of the approved dwellings evidence must be submitted to the local planning authority that a rainwater harvesting butt of a minimum 100 litres has been installed.

Reason: In the interests of sustainable water management in accordance with policy S12 of the Central Lincolnshire Local Plan.

10. If during the course of development, any contamination is found to be present on site, then no further development (unless otherwise agreed in writing by the local planning authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health and the water environment and to accord with the National Planning Policy Framework and local policy S56 of the Central Lincolnshire Local Plan 2023.

11. All 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.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and reenacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling hereby approved.

Reason: In the interests of energy efficiency to accord with policies S6 and S7 of the Central Lincolnshire Local Plan 2023.

Notes to the Applicant

COMMUNITY INFRASTRUCTURE LEVY

Please be aware that as of the 22nd January 2018 West Lindsey District Council implemented a Community Infrastructure Levy and that eligible development granted on or after this date will be subject to this charge. The development subject to this Decision Notice could fall within the definitions held within the adopted charging

schedule and as such may be liable to pay the levy. For further information on CIL, processes, calculating the levy and associated forms please visit the Planning Portal www.west-lindsey.gov.uk/cilforms and West Lindsey District Council's own website www.west-lindsey.gov.uk/CIL. Please note that CIL liable development cannot commence until all forms and necessary fees have been submitted and paid. Failure to do so will result in surcharges and penalties.

Highways

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 the Highway Authority's website via the following link: Traffic Management - <https://www.lincolnshire.gov.uk/traffic-management>

Biodiversity Net Gain and Ecology

Hedge Removal- The removal of the section of the boundary hedge required for access purposes should take place outside of bird nesting season (March to August inclusive).

Please see below informative note regarding Biodiversity Net Gain and the Statutory Condition.

Biodiversity Net Gain

Unless an exception or a transitional arrangement applies¹, the effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:

- (a) a Biodiversity Gain Plan² has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan in respect of this permission would be West Lindsey District Council.

Biodiversity Gain Plan

The biodiversity gain plan must include/accompanied by³:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat;
- (b) the pre-development biodiversity value of the onsite habitat;
- (c) the post-development biodiversity value of the onsite habitat;
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity and the biodiversity value of that gain in relation to the development;

- (e) any biodiversity credits purchased for the development;
- (f) any information relating to irreplaceable habitat making up onsite habitat
- (g) information about steps taken or to be taken to minimise any adverse effect of the development on, and arrangements for compensation for any impact the development has on the biodiversity of, any irreplaceable habitat⁴ present within the onsite baseline.
- (h) any additional information requirements stipulated by the secretary of state⁵.

The effect of section 73D of the Town and Country Planning Act 1990

If planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 (application to develop land without compliance with conditions previously attached) and a Biodiversity Gain Plan was approved in relation to the previous planning permission (“the earlier Biodiversity Gain Plan”) there are circumstances when the earlier Biodiversity Gain Plan is regarded as approved for the purpose of discharging the biodiversity gain condition subject to which the section 73 planning permission is granted.

Those circumstances are that the conditions subject to which the section 73 permission is granted:

- i. do not affect the post-development value of the onsite habitat as specified in the earlier Biodiversity Gain Plan, and
- ii. in the case of planning permission for a development where all or any part of the onsite habitat is irreplaceable habitat the conditions do not change the effect of the development on the biodiversity of that onsite habitat (including any arrangements made to compensate for any such effect) as specified in the earlier Biodiversity Gain Plan.

¹ listed exemptions from Statutory BNG and transitional arrangements can be found at [Biodiversity net gain: exempt developments - GOV.UK \(www.gov.uk\)](https://www.gov.uk/biodiversity-net-gain/exempt-developments). The LPA advises that all perceived exempt applications complete a Statutory Metric Baseline Assessment prior to commencement. Should the relevant exemption cease to apply following commencement, a higher value precautionary assessment will be required if an appropriate pre-commencement baseline was not conducted.

² The Statutory Biodiversity Gain Plan template can be found at <https://www.gov.uk/government/publications/biodiversity-gain-plan>

³ Minimum legal requirements for the Biodiversity Gain plan can be found at [https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015\).-,Biodiversity%20gain%20plan,-14](https://www.legislation.gov.uk/ukpga/2021/30/schedule/14#:~:text=paragraph%2015).-,Biodiversity%20gain%20plan,-14)

⁴ Irreplaceable habitats for the purposes of Biodiversity Net Gain are defined by Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024. A full list of irreplaceable habitats can be found at <https://www.legislation.gov.uk/uksi/2024/48/schedule/made>

⁵ Additional information required is outlined by Articles 37C(2) [Non Phased] 37C(4) [Phased] of The Town and Country Planning (Development Management Procedure) (England) Order 2015 and may be subject to the nature of your application <https://www.legislation.gov.uk/uksi/2015/595#:~:text=Additional%20content%20of%20plan>

Human Rights Implications:

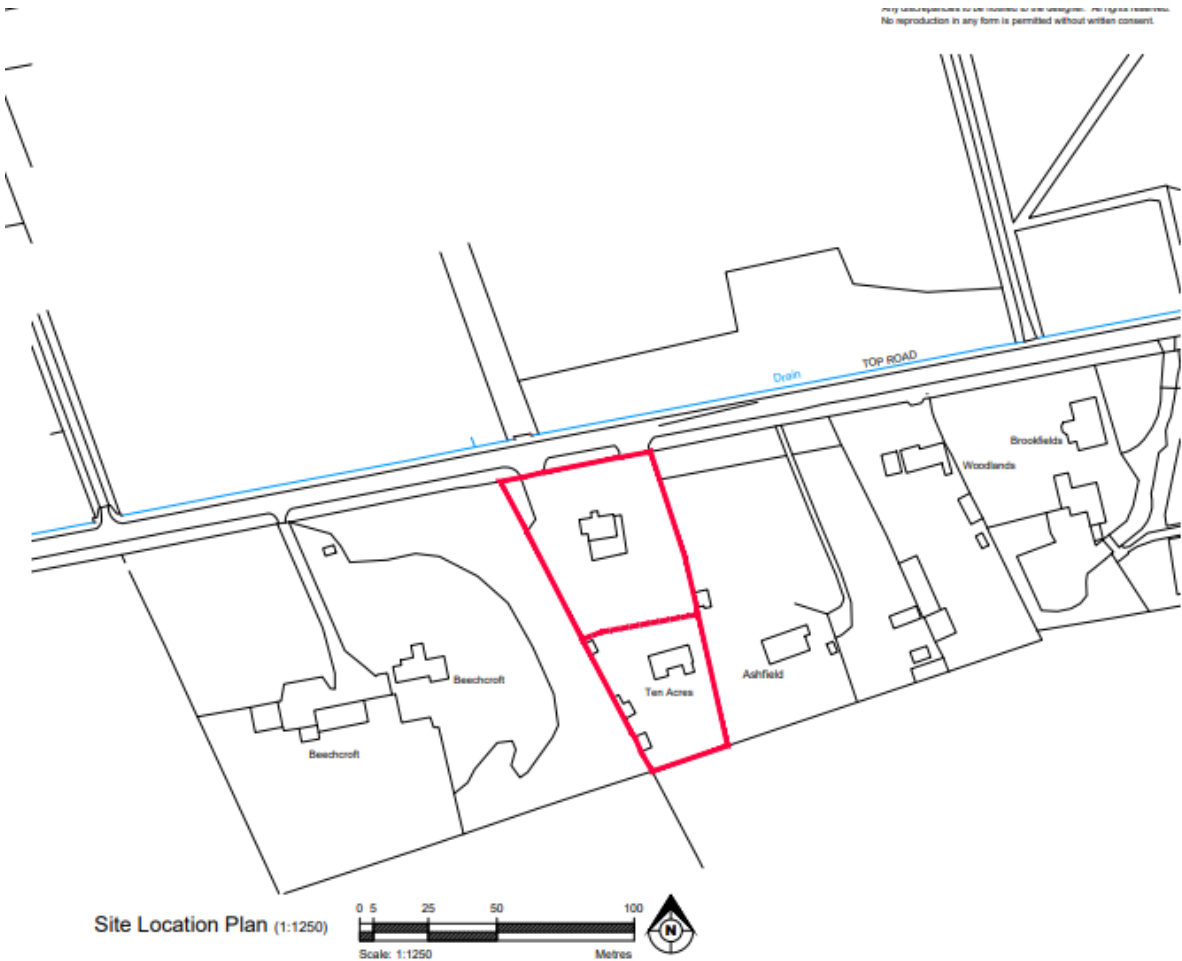
The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family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

Legal Implications:

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

Agenda Item 6c

Site Location Plan WL/2025/00460 and WL/2025/00462



OFFICER'S REPORT

PLANNING APPLICATION NO: WL/2025/00460

PROPOSAL: Planning application to alter and extend dwelling to create an annex to remove condition 2 of planning permission 96/P/0805 granted 16 January 1997 - occupancy condition.

LOCATION: TEN ACRES, TOP ROAD, OSGODBY, MARKET RASEN, LN8 3TG

WARD: MARKET RASEN

WARD MEMBERS: Cllr S Bunney, Cllr E L Bennett, Cllr M K Westley

APPLICANT NAME: Mr Field

TARGET DECISION DATE: 22/08/2025 (Extension of time agreed to 17th October 2025)

CASE OFFICER: Holly Horton

Recommended Decision: Refuse permission

Description:

The application site is located in the open countryside in the wider parish of Osgodby, on the southern side of Top Road, and is situated approximately 1.7km to the south east of the defined settlement of Osgodby. The site consists of a detached two storey dwelling with associated outbuildings and amenity space. The site is adjoined by residential properties and their private garden areas to the east and west, by the open countryside to the south, and by 'Ten Acres Café' and its parking areas to the north, with the highway beyond. The site also lies within an Area of Great Landscape Value.

The application seeks to remove condition 2 of planning permission 96/P/0805 granted 16th January 1997, which ties the occupancy of the annex to those employed or last employed in the operation of 'Ten Acre Café'.

Condition 2 states the following:

"The occupancy of the annex hereby approved shall be restricted to those employed or last employed in the operation of the Motor Transport Café, presently known as "Ten Acre Café", and also in the operation of the Nass River Road Haulage Company on land immediately to the north of the application site.

Reason: To ensure the dwelling is occupied by those having an interest in the immediately adjacent business, in the interests of residential amenity."

Relevant history:

WL/2025/00462 - Outline planning application to erect house and garage and use of land for parking of 3 HGV's in accordance with details received on 19 December 1991 to remove condition 3 of planning permission W75/872/91 granted 11 February 1992 - Occupancy condition – being considered alongside this application.

147690 - Planning application to alter and extend dwelling to create an annex being removal of condition 2 of planning permission 96/P/0805 granted 16 January 1997 re: occupancy of dwelling – Refused 31/01/2024

Reason for refusal:

'The proposed removal of planning condition 2 of permission 96/P/0805 is unacceptable as it would result in an inappropriate form of development in the countryside. The lack of demand for the dwelling associated with the cafe has not been demonstrated. The proposal would therefore be contrary to Policy S1 and Policy S5 of the Central Lincolnshire Local Plan, and paragraph 84 of the National Planning Policy Framework. The application is therefore recommended for refusal.'

96/P/0805 – Planning application to alter and extend dwelling to create an annex – Granted with conditions 16/01/1997

96/P/0433 – Planning application to extend building – Granted with conditions 17/07/1996

W75/807/95 – Planning application to use land to park HGVs and trailers – Planning permission conditional 05/03/1996

W75/118/92 – Reserved matters application to erect house with integral garage granted outline planning permission on 11 February 1992. (Outline Application No. W75/872/91) – Reserved Matters Conditional Consent 11/03/1992

W75/872/91 – Outline planning application to erect house and garage and use of land for parking of 3 HGVs in accordance with details received on 19 December 1991 – Conditional Outline Consent 11/02/1992

W75/739/90 – Renew planning permission to erect bungalow granted on 15 August 1985 (W75/599/85) – Conditional consent 05/09/1990

W75/398/90 – Continue to site mobile home – Conditional consent 16/07/1990

W75/901/89 – Use land as a static caravan site – Refused 25/10/1989

W75/599/85 – Erect bungalow – Conditional consent 15/08/1985

W75/673/84 – Erect bungalow – Conditional consent 09/10/1984

W75/828/80 – Outline application to erect a single dwelling – Conditional Outline Consent 15/10/1980

W75/729/77 – Application to construct a storage distribution depot for petroleum oils
– Refused 21/11/1977

Representations

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

Osgodby Parish Council: No representations received to date.

Local residents: No representations received to date.

LCC Highways and Local Flood Authority: No Objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development 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.

Comments: Planning application does not affect the public highway.

LCC Archaeology: No archaeological input required.

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); the Osgodby Neighbourhood Plan (made July 2018); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023-2043 (CLLP)***

Relevant policies of the CLLP include:

S1: The Spatial Strategy and Settlement Hierarchy

S5: Development in the Countryside

- ***Osgodby Neighbourhood Plan (NP)***

Osgodby Neighbourhood Plan is silent on development in the countryside.

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

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

National policy & guidance (Material Consideration)

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

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

The most recent iteration of the NPPF was published in December 2024. Paragraph 232 states:

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

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

Main issues

- Principle of Development - Removal of Condition 2 of 96/P/0805

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop land without complying with a condition previously imposed on a planning permission. It is colloquially known as 'varying' or 'amending' conditions.

Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.

Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. Paragraph 56 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;
5. precise; and
6. reasonable in all other respects.

Condition 2 of 96/P/0805 states the following:

“The occupancy of the annex hereby approved shall be restricted to those employed or last employed in the operation of the Motor Transport Café, presently known as “Ten Acre Café”, and also in the operation of the Nass River Road Haulage Company on land immediately to the north of the application site.

Reason: To ensure the dwelling is occupied by those having an interest in the immediately adjacent business, in the interests of residential amenity.”

It should be noted that an application to remove the occupancy condition on the dwelling that this annex is within, is also being applied for alongside this application (WLDC reference WL/2025/00462).

Assessment

Despite the passage of time since the original approval, the site remains in an isolated rural location for planning purposes. As such, in this instance, the effect of removing the condition is the grant of a fresh planning permission for the occupation of the annexe within the main dwelling to be unrestricted.

Despite being separate applications, the dwelling and the annex form one planning unit (the annexe is contained within the main footprint of the dwelling), and the applicant has submitted the same planning statement and supplementary information for both applications, therefore one assessment will be undertaken for the site.

The applicant’s statement in support of the removal of condition 2 of permission 96/P/0805 and condition 3 of W75/872/91 provides the following justification for the removal of the respective conditions:

- *“Ten Acre Café and the associated dwelling has recently changed ownership (February 2025).*
- *The occupancy condition has served its purpose by ensuring that the dwelling has been used in conjunction with the café since the dwelling was constructed circa 1992 – a period of 33 years.*
- *Overtime, there have been many changes to the café operation and its clientele. The fuel pumps no longer exist, and although it still serves as a Transport Café, it now also serves as a community Cafe and an important social hub, supplying meals to many elderly people from the surrounding area, many of whom use it every day for their main meal and social gatherings.*
- *The new owner (applicant) wishes to lease the Cafe on a long-term basis to a suitable individual or organisation who can continue to operate it to it’s fullest potential. For this to happen the occupancy conditions relating to the dwelling must be removed so that separate Titles can be created, one for the Cafe and another for the Dwelling.*
- *The Title for the Cafe would include associated site areas required for access, deliveries, and parking for staff and patrons. The Title for the dwelling will include the private garden areas. A right of way over the café would be retained but no formal alterations are required as per the previous application.*

- *In the site's current format, with the Occupancy Conditions in place, the two properties come as a package with no flexibility. The result being that the properties are not eligible for a typical mortgages resulting in significantly increased commercial borrowing rates. This limits opportunities to improve the prospects of the Café.*
- *The café is well used by locals as well as motorists. However, it is tired and in need of investment to secure longevity and commercial viability. If the Café was forced to close, it would present a significant loss to the community and motorists (particularly HGVs) who would struggle to find an alternative.*
- *The applicant wishes to make improvements to the café and maintain the current arrangements, but in order to borrow against the café, it needs to be on it's on title otherwise borrowing costs are too high resulting in any investment being unviable. A fundamental consideration here is that if the applicant were to shut down the café, he would still be able to live in the dwelling. This needs to be a planning consideration. Similarly, the applicant could reside in the dwelling and be "employed" by the café potentially on a zero hour contract– ultimately flouting the wording of the condition.*
- *The applicant is in the Motor Transport industry and wants to retain ultimate ownership of the café but be able to lease the café to Another to enable the café to trade effectively to it's fullest potential."*

The reason identified on the decision notice for the imposition of planning condition 3 of W75/872/91 for the outline permission for the original dwelling is clear: *"It is the Policy of the District Planning Authority not to permit dwellings in the countryside outside approved Development Limits unless there is an essential need and in this case it is considered that it is necessary on the interests of security and the efficient operation of the café for the operator to be residing in close proximity and because if the house is occupied by other persons the operation of the café and the parking of HGVs in close proximity would be detrimental to their residential amenities."*

The reason identified on the decision notice for the imposition of planning condition 2 of 96/P/0805 for the extensions and alterations to the dwelling to form an annex is clear: *"To ensure the dwelling is occupied by those having an interest in the immediately adjacent business, in the interests of residential amenity."*

Clearly planning permission would have been refused for the dwelling without the imposition of planning condition 3 of W75/872/91 and so it was necessary to make the proposal acceptable. This therefore explains why condition 2 of 96/P/0805 was necessary, as given the occupancy condition associated with W75/872/91, it would be consistent to expect that the annex be occupied by person/persons either employed or last employed in the running of the café. It is clear within a letter from the applicant within application 96/P/0805, that the extensions and alterations to the dwelling to form an annex were to allow the former applicant of the site, Mrs Barbara Jessop, to *"live under the same roof but have our own privacy"*. This further demonstrates the necessity of the condition 2.

The planning conditions for W75/872/91 and 96/P/0805 at the time of their imposition were therefore necessary and reasonable and they are common conditions attached to such planning consents for dwellings in the countryside, so one can safely assume they are enforceable.

An assessment of the proposal against current planning policy is provided below in order to establish whether planning permission should be given without the imposition of the planning condition, which would be the effect of granting this S73 planning application.

Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless one or more of specific circumstances apply. One of these (criterion a) relates to there being an essential need for a rural worker.

Policy S1 of the CLLP states, with regards to sites located within the countryside:

“Unless allowed by:

*a. policy in any of the levels 1-7 above; or
b. any other policy in the Local Plan (such as S4, S5, S34 or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- delivery of infrastructure;*
- renewable energy generation; and*
- minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.”*

New dwellings in the open countryside are covered by Part D of Policy S5 of the Central Lincolnshire Local Plan. Given the proposal would result in a new dwelling in the countryside, the occupancy condition should remain, as required by Part D of Policy S5 which states that any such development will be subject to a restrictive occupancy condition.

The established approach for the removal of an occupancy condition associated with a dwelling is to undertake a marketing exercise in which the dwelling would be required to be put up for sale for 9-12 months (with a specialist agency if required) to see if any interest came forward from people who could meet the occupancy tie. This would normally include at least one price reduction to try and attract interest.

In this instance, following the refusal of application 147609 for the following reason, a marketing exercise was undertaken.

‘The proposed removal of planning condition 2 of permission 96/P/0805 is unacceptable as it would result in an inappropriate form of development in the countryside. The lack of demand for the dwelling associated with the cafe has not been demonstrated. The proposal would therefore be contrary to Policy S1 and Policy S5 of the Central Lincolnshire Local Plan, and paragraph 84 of the National Planning Policy Framework. The application is therefore recommended for refusal.’

As a result of the marketing exercise, the dwelling and associated café were sold to the now applicant, which has in itself provided evidence to demonstrate that there is a demand for the dwelling and associated café with the conditions as stipulated

within the existing permissions. As such, the marketing exercise is viewed as successful and has shown there is interest in the property and associated café.

As the properties were marketed by the previous owner of the site, no comprehensive details of the marketing exercise have been provided within this application, other than that the property was apparently sold to the applicant for significantly less than the original asking price.

It is noted that the main reasons for which the applicant is applying to remove the conditions is because *“the café is tired and in need of investment to secure the longevity and commercial viability”* and they wish to *“make improvements to the café and maintain the current arrangements, but in order to borrow against the café, it needs to be on it’s own title otherwise borrowing costs are too high resulting in any investment being unviable”*. In addition the applicant *“wishes to lease the Cafe on a long-term basis to a suitable individual or organisation who can continue to operate it to it’s fullest potential”*.

The private financial difficulties that the applicant is experiencing in wanting to make improvements to the café and in being unable to secure typical mortgages is not a material planning consideration.

When considering this application against the previously refused application 147609, there have been no changes in the circumstances except from a change in ownership as a result of a successful marketing exercise. Some weight in the planning balance can be given to the information that it is clear that both the previous owner and the new owner wish to operate the site in the same way (have a lease on the café), however it is assumed that the owner would have been aware that they were buying a café in which the planning conditions on the dwelling/annexe require them to be employed, however given the site has only recently been sold/purchased (February 2025) and no meaningful attempt to run the café is apparent (given this application was validated on 08/05/2025), it is therefore assumed that the intention since purchasing has been to lease it out.

Due to the success of the marketing exercise, it is clear that there is interest in the property and associated café. Unfortunately the financial difficulties experienced by the applicant are not a material planning consideration.

Overall, considering the above, on balance, is concluded that the conditions on the respective permissions remain necessary and reasonable having regard to local policy concerning dwellings in the countryside. As such, the proposal fails to accord with Policy S5 of the CLLP, and the provisions of the NPPF.

Assessment of conditions on permission 96/P/0805

A variation of condition application would create a brand-new permission in itself, therefore were it minded to approve the application, a review of conditions originally imposed on 96/P/0805 would need to be undertaken. Without this, any new permission would be unrestricted. In the interest of clarity and simplicity, all conditions would retain

the same numerical order. If it were minded to approve the application, the reason for the conditions would be amended to reflect the relevant policies of the CLLP.

Condition 1 – time limit for commencement of development

No longer required.

Condition 2 – occupancy restriction

The subject of this application.

Condition 3 – annexe restriction

This condition remains relevant and necessary and should be included on any grant of planning permission.

Condition 4 – materials

No longer required.

Conclusion and reason for decision:

The proposal has been assessed against Policy S1: The Spatial Strategy and Settlement Hierarchy and Policy S5: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance, as well as the guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, and National Model Design Code. Considering the above, refusal is recommended for the following reason:

1. The proposed removal of planning condition 2 of permission 96/P/0805 is unacceptable as it would result in an inappropriate form of development in the countryside. The proposal is therefore in conflict with Policy S5 of the Central Lincolnshire Local Plan and the provisions of the NPPF, and there are no material considerations that would outweigh that conflict.

Decision Level: Committee

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 applicants and/or objectors right to respect for his private and family life, his home and his correspondence.

Legal Implications:

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

OFFICERS REPORT

PLANNING APPLICATION NO: WL/2025/00462

PROPOSAL: Outline planning application to erect house and garage and use of land for parking of 3 HGV's in accordance with details received on 19 December 1991 to remove condition 3 of planning permission W75/872/91 granted 11 February 1992 - Occupancy condition.

LOCATION: TEN ACRES, TOP ROAD, OSGODBY, MARKET RASEN, LN8 3TG

WARD: MARKET RASEN

WARD MEMBERS: Cllr S Bunney, Cllr E L Bennett, Cllr M K Westley

APPLICANT NAME: Mr Field

TARGET DECISION DATE: 03/07/2025 (Extension of time agreed to 17th October 2025)

CASE OFFICER: Holly Horton

Recommended Decision: Refuse permission.

Description:

The application site is located in the open countryside in the wider parish of Osgodby, on the southern side of Top Road, and is situated approximately 1.7km to the south east of the defined settlement of Osgodby. The site consists of a detached two storey dwelling with associated outbuildings and amenity space. The site is adjoined by residential properties and their private garden areas to the east and west, by the open countryside to the south, and by 'Ten Acres Café' and its parking areas to the north, with the highway beyond. The site also lies within an Area of Great Landscape Value.

The application seeks to remove condition 3 of planning permission W75/872/91 granted 11th February 1992, which ties the occupancy of the dwelling to a person employed in the operation of 'Ten Acres Café'.

Condition 3 states the following:

"The occupancy of the house shall be limited to a person employed in the operation of the motor transport cafe, presently known as "Ten Acres Café", and the operation of the three HGVs.

Reason: It is the Policy of the District Planning Authority not to permit dwellings in the countryside outside approved Development Limits unless there is an essential need and in this case it is considered that it is necessary on the interests of security and the efficient operation of the café for the operator to be residing in close

proximity and because if the house is occupied by other persons the operation of the café and the parking of HGVs in close proximity would be detrimental to their residential amenities.”

Relevant history:

WL/2025/00460 - Planning application to alter and extend dwelling to create an annex to remove condition 2 of planning permission 96/P/0805 granted 16 January 1997 - occupancy condition – being considered alongside this application.

147690 - Planning application to alter and extend dwelling to create an annex being removal of condition 2 of planning permission 96/P/0805 granted 16 January 1997 re: occupancy of dwelling – Refused 31/01/2024

Reason for refusal:

‘The proposed removal of planning condition 2 of permission 96/P/0805 is unacceptable as it would result in an inappropriate form of development in the countryside. The lack of demand for the dwelling associated with the cafe has not been demonstrated. The proposal would therefore be contrary to Policy S1 and Policy S5 of the Central Lincolnshire Local Plan, and paragraph 84 of the National Planning Policy Framework. The application is therefore recommended for refusal.’

96/P/0805 – Planning application to alter and extend dwelling to create an annex – Granted with conditions 16/01/1997

96/P/0433 – Planning application to extend building – Granted with conditions 17/07/1996

W75/807/95 – Planning application to use land to park HGVs and trailers – Planning permission conditional 05/03/1996

W75/118/92 – Reserved matters application to erect house with integral garage granted outline planning permission on 11 February 1992. (Outline Application No. W75/872/91) – Reserved Matters Conditional Consent 11/03/1992

W75/872/91 – Outline planning application to erect house and garage and use of land for parking of 3 HGVs in accordance with details received on 19 December 1991 – Conditional Outline Consent 11/02/1992

W75/739/90 – Renew planning permission to erect bungalow granted on 15 August 1985 (W75/599/85) – Conditional consent 05/09/1990

W75/398/90 – Continue to site mobile home – Conditional consent 16/07/1990

W75/901/89 – Use land as a static caravan site – Refused 25/10/1989

W75/599/85 – Erect bungalow – Conditional consent 15/08/1985

W75/673/84 – Erect bungalow – Conditional consent 09/10/1984

W75/828/80 – Outline application to erect a single dwelling – Conditional Outline Consent 15/10/1980

W75/729/77 – Application to construct a storage distribution depot for petroleum oils – Refused 21/11/1977

Representations

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

Osgodby Parish Council: No representations received to date.

Local residents: No representations received to date.

LCC Highways and Local Flood Authority: No Objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development 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.

Comments: Planning proposal does not have an impact on the public highway.

LCC Archaeology: No archaeological input required.

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); the Osgodby Neighbourhood Plan (made July 2018); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2023-2043 (CLLP)***

Relevant policies of the CLLP include:

S1: The Spatial Strategy and Settlement Hierarchy

S5: Development in the Countryside

- ***Osgodby Neighbourhood Plan (NP)***

Osgodby Neighbourhood Plan is silent on development in the countryside.

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

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

National policy & guidance (Material Consideration)

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

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

The most recent iteration of the NPPF was published in December 2024. Paragraph 232 states:

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

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

Main issues

- Principle of Development - Removal of Condition 3 of W75/872/91

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Section 73 of the Town and Country Planning Act 1990 allows applications to be made for permission to develop land without complying with a condition previously imposed on a planning permission. It is colloquially known as 'varying' or 'amending' conditions.

Section 73 applications also involve consideration of the conditions subject to which planning permission should be granted. Where an application under s73 is granted, the effect is the issue of a fresh grant of permission and the notice should list all conditions pertaining to it.

Alterations to planning policy and other material considerations since the original grant of planning permission are relevant and need to be considered. Paragraph 56 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:

1. necessary;
2. relevant to planning;
3. relevant to the development to be permitted;
4. enforceable;

5. precise; and
6. reasonable in all other respects.

Condition 3 of W75/872/91 states the following:

“The occupancy of the house shall be limited to a person employed in the operation of the motor transport trade, presently known as “Ten Acres Café”, and the operation of the three HGVs.

Reason: It is the Policy of the District Planning Authority not to permit dwellings in the countryside outside approved Development Limits unless there is an essential need and in this case it is considered that it is necessary on the interests of security and the efficient operation of the café for the operator to be residing in close proximity and because if the house is occupied by other persons the operation of the café and the parking of HGVs in close proximity would be detrimental to their residential amenities.”

It should be noted that an application to remove the occupancy condition on the annexe that is contained within the dwelling, is also being applied for alongside this application (WLDC reference WL/2025/00460).

Assessment

Despite the passage of time since the original approval, the site remains in an isolated rural location for planning purposes. As such, in this instance, the effect of removing the condition is the grant of a fresh planning permission for the occupation of the dwelling and annexe on the site to be unrestricted.

Despite being separate applications, the dwelling and the annex form one planning unit (the annexe is contained within the main footprint of the dwelling), and the applicant has submitted the same planning statement and supplementary information for both applications, therefore one assessment will be undertaken for the site.

The applicant's statement in support of the removal of condition 2 of permission 96/P/0805 and condition 3 of W75/872/91 provides the following justification for the removal of the respective conditions:

- *“Ten Acre Café and the associated dwelling has recently changed ownership (February 2025).*
- *The occupancy condition has served its purpose by ensuring that the dwelling has been used in conjunction with the café since the dwelling was constructed circa 1992 – a period of 33 years.*
- *Overtime, there have been many changes to the café operation and its clientele. The fuel pumps no longer exist, and although it still serves as a Transport Café, it now also serves as a community Cafe and an important social hub, supplying meals to many elderly people from the surrounding area, many of whom use it every day for their main meal and social gatherings.*
- *The new owner (applicant) wishes to lease the Cafe on a long-term basis to a suitable individual or organisation who can continue to operate it to it's fullest*

potential. For this to happen the occupancy conditions relating to the dwelling must be removed so that separate Titles can be created, one for the Cafe and another for the Dwelling.

- *The Title for the Cafe would include associated site areas required for access, deliveries, and parking for staff and patrons. The Title for the dwelling will include the private garden areas. A right of way over the café would be retained but no formal alterations are required as per the previous application.*
- *In the site's current format, with the Occupancy Conditions in place, the two properties come as a package with no flexibility. The result being that the properties are not eligible for a typical mortgages resulting in significantly increased commercial borrowing rates. This limits opportunities to improve the prospects of the Café.*
- *The café is well used by locals as well as motorists. However, it is tired and in need of investment to secure longevity and commercial viability. If the Cafe was forced to close, it would present a significant loss to the community and motorists (particularly HGVs) who would struggle to find an alternative.*
- *The applicant wishes to make improvements to the café and maintain the current arrangements, but in order to borrow against the café, it needs to be on it's on title otherwise borrowing costs are too high resulting in any investment being unviable. A fundamental consideration here is that if the applicant were to shut down the café, he would still be able to live in the dwelling. This needs to be a planning consideration. Similarly, the applicant could reside in the dwelling and be "employed" by the café potentially on a zero hour contract– ultimately flouting the wording of the condition.*
- *The applicant is in the Motor Transport industry and wants to retain ultimate ownership of the café but be able to lease the café to Another to enable the café to trade effectively to it's fullest potential."*

The reason identified on the decision notice for the imposition of planning condition 3 of W75/872/91 for the outline permission for the original dwelling is clear: *"It is the Policy of the District Planning Authority not to permit dwellings in the countryside outside approved Development Limits unless there is an essential need and in this case it is considered that it is necessary on the interests of security and the efficient operation of the café for the operator to be residing in close proximity and because if the house is occupied by other persons the operation of the café and the parking of HGVs in close proximity would be detrimental to their residential amenities."*

The reason identified on the decision notice for the imposition of planning condition 2 of 96/P/0805 for the extensions and alterations to the dwelling to form an annex is clear: *"To ensure the dwelling is occupied by those having an interest in the immediately adjacent business, in the interests of residential amenity."*

Clearly planning permission would have been refused for the dwelling without the imposition of planning condition 3 of W75/872/91 and so it was necessary to make the proposal acceptable. This therefore explains why condition 2 of 96/P/0805 was necessary, as given the occupancy condition associated with W75/872/91, it would be consistent to expect that the annex be occupied by person/persons either employed or last employed in the running of the café. It is clear within a letter from the applicant within application 96/P/0805, that the extensions and alterations to the dwelling to form an annex were to allow the former applicant of the site, Mrs Barbara

Jessop, to *“live under the same roof but have our own privacy”*. This further demonstrates the necessity of the condition 2.

The planning conditions for W75/872/91 and 96/P/0805 at the time of their imposition were therefore necessary and reasonable and they are common conditions attached to such planning consents for dwellings in the countryside, so one can safely assume they are enforceable.

An assessment of the proposal against current planning policy is provided below in order to establish whether planning permission should be given without the imposition of the planning condition, which would be the effect of granting this S73 planning application.

Paragraph 84 of the NPPF seeks to avoid the development of isolated homes in the countryside unless one or more of specific circumstances apply. One of these (criterion a) relates to there being an essential need for a rural worker.

Policy S1 of the CLLP states, with regards to sites located within the countryside:

“Unless allowed by:

*a. policy in any of the levels 1-7 above; or
b. any other policy in the Local Plan (such as S4, S5, S34 or S43) or a relevant policy in a neighbourhood plan, development will be regarded as being in the countryside and as such restricted to:*

- that which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- delivery of infrastructure;*
- renewable energy generation; and*
- minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.”*

New dwellings in the open countryside are covered by Part D of Policy S5 of the Central Lincolnshire Local Plan. Given the proposal would result in a new dwelling in the countryside, the occupancy condition should remain, as required by Part D of Policy S5 which states that any such development will be subject to a restrictive occupancy condition.

The established approach for the removal of an occupancy condition associated with a dwelling is to undertake a marketing exercise in which the dwelling would be required to be put up for sale for 9-12 months (with a specialist agency if required) to see if any interest came forward from people who could meet the occupancy tie. This would normally include at least one price reduction to try and attract interest.

In this instance, following the refusal of application 147609 for the following reason, a marketing exercise was undertaken.

‘The proposed removal of planning condition 2 of permission 96/P/0805 is unacceptable as it would result in an inappropriate form of development in the countryside. The lack of demand for the dwelling associated with the cafe has not

been demonstrated. The proposal would therefore be contrary to Policy S1 and Policy S5 of the Central Lincolnshire Local Plan, and paragraph 84 of the National Planning Policy Framework. The application is therefore recommended for refusal.'

As a result of the marketing exercise, the dwelling and associated café were sold to the now applicant, which has in itself provided evidence to demonstrate that there is a demand for the dwelling and associated café with the conditions as stipulated within the existing permissions. As such, the marketing exercise is viewed as successful and has shown there is interest in the property and associated café.

As the properties were marketed by the previous owner of the site, no comprehensive details of the marketing exercise have been provided within this application, other than that the property was apparently sold to the applicant for significantly less than the original asking price.

It is noted that the main reasons for which the applicant is applying to remove the conditions is because *"the café is tired and in need of investment to secure the longevity and commercial viability"* and they wish to *"make improvements to the café and maintain the current arrangements, but in order to borrow against the café, it needs to be on it's own title otherwise borrowing costs are too high resulting in any investment being unviable"*. In addition the applicant *"wishes to lease the Cafe on a long-term basis to a suitable individual or organisation who can continue to operate it to it's fullest potential"*.

The private financial difficulties that the applicant is experiencing in wanting to make improvements to the café and in being unable to secure typical mortgages is noted however this is not considered a material planning consideration.

When considering this application against the previously refused application 147609, there have been no changes in the circumstances except from a change in ownership as a result of a successful marketing exercise. Some weight in the planning balance can be given to the information that it is clear that both the previous owner and the new owner wish to operate the site in the same way (have a lease on the café), however it is assumed that the owner would have been aware that they were buying a café in which the planning conditions on the dwelling/annexe require them to be employed in connection with the cafe.

it is clear that there is interest in the property and associated café.

Overall, considering the above, on balance, is concluded that the conditions on the respective permissions remain necessary and reasonable having regard to local policy concerning dwellings in the countryside. As such, the proposal fails to accord with Policy S5 of the CLLP, and the provisions of the NPPF.

Assessment of conditions on permission W75/872/91

A variation of condition application would create a brand-new permission in itself, therefore were it minded to approve the application, a review of conditions originally imposed on W75/872/91 would need to be undertaken. Without this, any new permission would be unrestricted. In the interest of clarity and simplicity, all conditions

would retain the same numerical order. If it were minded to approve the application, the reason for the conditions would be amended to reflect the relevant policies of the CLLP.

Condition 1 – time limit for submission of reserved matters

No longer required.

Condition 2 – submission of details for design, appearance and access of the building prior to erection.

No longer required.

Condition 3 – occupancy restriction

The subject of this application.

It should be noted that this condition also ties the café to the operation of the ‘three HGVs’. The applicant has detailed that *“this is to remain unchanged and will continue to support the café.”*. Therefore this element would need to be tied into any condition on any grant of permission.

Condition 4 – restriction on use of site to park HGVs until dwelling development has commenced

No longer required.

Condition 5 – improvement to vehicular access prior to commencement

No longer required.

Condition 6 – restriction on number of HGVs to be parked on the site

This condition remains relevant and necessary and should be included on any grant of planning permission.

Conclusion and reason for decision:

The proposal has been assessed against Policy S1: The Spatial Strategy and Settlement Hierarchy and Policy S5: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance, as well as the guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide, and National Model Design Code. Considering the above, refusal is recommended for the following reason:

1. The proposed removal of planning condition 3 of permission W75/872/91 is unacceptable as it would result in an inappropriate form of development in the countryside. The proposal is therefore in conflict with Policy S5 of the Central

Lincolnshire Local Plan and the provisions of the NPPF, and there are no material considerations that would outweigh that conflict.

Decision Level: Committee

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

15 October 2025

Subject: Determination of Planning Appeals

Report by:

Director – Planning, Regeneration & Communities

Contact Officer:

Molly Spencer
Democratic and Civic Officer
Molly.Spencer@west-lindsey.gov.uk

Purpose / Summary:

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

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

IMPLICATIONS

Legal: None arising from this report.

Financial: None arising from this report.

Staffing: None arising from this report.

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

Risk Assessment: None arising from this report.

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

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

Are detailed in each individual item

Call in and Urgency:

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

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

Yes

☐

No

x

Key Decision:

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

Yes

☐

No

x

Appendix A - Summary

- i) Appeal by Mr John Cassell against the decision of West Lindsey District Council to refuse planning permission for change of use of land for siting of caravans (lodges) at Sunnyside Up Farm Shop, Poplar Farm, Market Rasen, Lincolnshire LN8 3UL

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse

- ii) Appeal by FRV Powertek against the decision of West Lindsey District Council to refuse planning permission for the installation and operation of a Battery Energy Storage System (BESS) with ancillary infrastructure and landscaping and biodiversity enhancements at Land at Willingham-by-Stow Farm, Marton Road, Stow, Lincoln, DN21 5BH

Appeal Allowed – See copy letter attached as Appendix Bii.

Committee Decision – Refuse

Costs Allowed – see costs letter attached as Appendix Biia

- iii) Appeal by Mr Darren Lince against the decision of West Lindsey District Council to refuse planning permission for demolishing an existing dwelling and erecting a new dwelling with detached garage and enlarge the domestic curtilage at The Cottage, Moortown Road, Nettleton, Market Rasen LN7 6HX

Appeal Dismissed – See copy letter attached as Appendix Biii.

Officer Decision – Refuse

- iv) Appeal by Mr A Denton against the decision of West Lindsey District Council to refuse planning permission for erection of a single dwelling at 5 Hawthorn Avenue, Cherry Willingham, Lincoln, LN3 4JS.

Appeal Dismissed – See copy letter attached as Appendix Biv.

Officer Decision – Refuse

- v) Appeal by Mr & Mrs Shane Thompson against the decision of West Lindsey District Council to refuse planning permission to demolish existing dwellinghouse & erect replacement dwellinghouse at Lodge Farm, Kirton Road, Scotter, Gainsborough DN21 3JA

Appeal Dismissed – See copy letter attached as Appendix Bv.

Officer Decision – Refuse

- vi) Appeal by JJLA Limited against the decision of West Lindsey District Council to refuse planning permission for the erection of six holiday lets and ancillary works at Former car park to former Wheelhouse restaurant, Lincoln Road, Torksey Lock, Lincoln LN1 2EH.

Appeal Dismissed – See copy letter attached as Appendix Bi.

Officer Decision – Refuse.



Appeal Decision

Site visit made on 9 April 2025

by Jennifer Wallace BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2025

Appeal Ref: APP/N2535/W/24/3355755

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Casswell of Sunnyside Up Farm Shop against the decision of West Lindsey District Council.
 - The application Ref is 146812.
 - The development proposed is change of use of land for siting of caravans (lodges) that is a re-submission of application referenced 144599.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published, after the appeal was submitted, but before the submission of final comments. Those parts of the Framework most relevant to this appeal have not been materially amended. As a result, I consider that there is no requirement for me to seek further submissions and I am satisfied that no party's interests have been prejudiced by my taking this approach. I will refer to the updated paragraph numbers in this decision.
3. The Council's reason for refusal refers to the setting of the area of great landscape value (AGLV). However the written statements of both parties refer to the site as being within the AGLV. I have dealt with the appeal on the basis that the site does lie within the AGLV.
4. The Council has provided me with a copy of its notice publicising the application and I am satisfied this is sufficient for the appeal to proceed.
5. While the Council has not expressed any concern with respect to protected species, I am mindful of the advice in Circular 06/2005¹ (the Circular) that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision". The appellant's ecological appraisal identified the potential for the site to support skylarks. As skylarks are a species of principal importance, I have considered this as a main issue. The main parties have had the opportunity to comment and I have taken those comments into account when reaching my decision.

¹ Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System

Main Issues

6. The main issues are:

- the effect of the proposal on protected species, specifically skylarks.
- the effect of the proposal on the character and appearance of the area; and
- whether the site is a suitable location for the proposed development having regard to the spatial strategy for the area.

Reasons

Protected Species

7. The ecological appraisal submitted with the appeal had expired. An update was provided in response to my query on this point. This confirmed that the site was in the same condition as the original survey. The original survey noted that it was “probable that skylarks are nesting within the field itself”. The appellant has subsequently advised that as there are sheep in the field, which I did observe at my site visit, there were no skylarks in the field. This contradicts the update to the ecological survey. I therefore cannot be satisfied that the ecological evidence before me is accurate.
8. Skylarks are a species of Principal Importance (a Priority Species) listed in Section 41 of the Natural Environment and Rural Communities Act 2006 (NERC Act). The NERC Act includes a duty under s40(1) that every public body must, in exercising its functions, have regard to the purpose of conserving biodiversity. In addition, the Secretary of State must a) take such steps as appear to the Secretary of State to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any list published under this section; or b) Promote the taking by others of such steps.
9. It may be that there are grass and arable fields in the surrounding area that would be suitable for skylarks. However, I do not have certainty as to the extent to which skylarks are using the appeal site, or that suitable mitigation could be provided and secured on those surrounding fields. The Circular is clear that surveys should only be secured by condition in exceptional circumstances. I have not been provided with any exceptional circumstances in this case, therefore this matter could not be addressed by condition.
10. The proposal would therefore have an adverse effect on protected species. It would be contrary to Central Lincolnshire Local Plan (2023) (LP) Policy S60 which requires development to minimise impacts on biodiversity.

Character and Appearance

11. The site consists of two fields separated by an intermittent hedge. It is adjacent to a dwelling, what appear to be agricultural type units and a café with a large unmade car park. Beyond that is a further field with an extant permission for the siting of lodges. On the opposite side of the road, there is a further extant permission for lodges. The site, and adjacent site with permission for lodges lie in an area surrounded by substantial conifer plantations. On the opposite side of the road, the land rises away from the road, and there is considerable tree planting on the brow of the hill.

12. From the Council's assessment of the key characteristics of West Lindsey Landscape Character Assessment 1999 – Area 11: Heathland Belt, the site lies within a landscape entirely typical of this area. The site does not make a strong contribution to the landscape qualities of the area given the limited views in which it is prominent, the high degree of enclosure provided by the surrounding plantations, its position immediately adjacent to a main road and the adjoining development. This would be even more the case were the surrounding permissions to be fully implemented.
13. The site would be capable of comfortably accommodating the proposed number of lodges. They would be set reasonably far apart from each other in an informal layout and the site could be further integrated into the landscape through an appropriate scheme of landscaping. The existing hedgerow separating the fields would be retained, allowing the original field pattern to still be discernible. Numerical comparison with other development is not a demonstration that harm would arise from the proposed development. Nor has the Council set out any areas where they disagree with the findings of the appellant's Landscape and Visual Appraisal.
14. The Council has also referred to Area 12: North West Wolds Escarpment. However, I have not been directed by the Council to any locations where there are long views incorporating the site which would be harmed by the proposal. It is not located on the escarpment or an otherwise prominent position. Given the low level of the appeal site and the enclosure provided by the surrounding plantations, any views of the site would likely be glimpsed. The intrinsic character and beauty of the AGLV would not be undermined by the proposal. The officer report considers the site does not lie within the setting of the Lincolnshire Wolds National Landscape and I have no reason to find otherwise.
15. The appearance of the lodges and surfacing materials could be controlled by condition to ensure they would be visually appropriate.
16. The proposal would therefore have an acceptable effect on the character and appearance of the area. It would be in accordance with LP Policy S62 which requires development within the AGLV to conserve the character of locally important landscapes and minimise adverse visual impacts.

Suitable Location

17. LP Policy S5 Part E a) offers two reasons why non-residential development can be supported in the countryside. In principle, the siting of caravans would support rural tourism and as such would enhance the rural economy. It is not in dispute that the site offers a suitable location in terms of accessibility and that there would be no conflict with neighbouring uses. As set out above, I am satisfied that the proposal would be of a size and scale commensurate with the proposed use and the rural character of the location.
18. LP Policy S43 supports rural tourism in the countryside where it meets one of three criteria. As I have found the proposal to be in accordance with LP Policy S5 Part E, this policy is complied with.
19. For these reasons, I am satisfied the site is a suitable location for the proposed development having regard to the spatial strategy for the area due to its compliance with LP Policies S5 and S43.

Other Matters

20. There would be a benefit to the provision of more energy efficient holiday accommodation. However this would be of limited weight. The caravans could be removed in the future, however this is true of all caravans, and would not ensure that the roads and any associated hardstandings would be removed.
21. There is no objection from the local highways authority with respect to traffic generation, the access to the site and the internal highways layout. The Council has not identified that the proposal would not protect the public right of way. From my observations at my site visit, I have no reason to reach a different conclusion. However, this is to be expected of all well designed development and would be neutral in my assessment.
22. The Environment Agency objected to the proposal as the evidence is inconsistent on foul water drainage and includes a reference to the use of a non-mains foul drainage system where it may be possible to connect to a public sewer. This is a matter which could be addressed by condition. Furthermore, the Environment Agency also exercises control through the environmental permitting system. The site is not identified as being at any risk of flooding. There is no objection from the Lead Local Flood Authority, and details of surface water drainage can be addressed by condition.

Conclusion

23. I cannot be certain that the proposed development would not have an adverse effect on a species of principal importance. While I have found the proposal would be in a suitable location and would have an acceptable effect on the character and appearance of the area, this would not outweigh the harm to biodiversity. The appeal proposal would therefore conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to suggest the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.,

Jennifer Wallace

INSPECTOR



Appeal Decision

Site visit made on 29 July 2025

By Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/N2535/W/25/3363211

**Land at Willingham-by-Stow Farm, Marton Road, Stow,
Lincoln, DN21 5BH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by FRV Powertek against the decision of West Lindsey District Council.
 - The application Ref is WL/2024/00662.
 - The development proposed is '*The installation and operation of a Battery Energy Storage System (BESS) with ancillary infrastructure and landscaping and biodiversity enhancements*'.
-

Decision

1. The appeal is allowed and planning permission is granted for the installation and operation of a Battery Energy Storage System (BESS) with ancillary infrastructure and landscaping and biodiversity enhancements at land at Willingham-by-Stow Farm, Marton Road, Lincoln, DN21 5BH in accordance with the terms of the application, Ref WL/2024/00662, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs has been made. This will be the subject of a separate decision.

Preliminary Matters

3. The Appellant and Local Planning Authority (LPA) sought the appeal to be heard by Hearing, as indicated on the appeal and questionnaire forms. On review of the case, the Planning Inspectorate determined that the appeal could be dealt with by the Written Representations procedure. This is because the issues raised are considered to be fairly narrow and it would be possible to fairly understand the cases of all parties from the written representations made. For the avoidance of doubt, this decision takes into account all representations made at the application and appeal stages.
4. On the 26 March 2024, the LPA issued a Screening Opinion under Regulation 6 of the *Environmental Impact Assessment Regulations 2017*. This confirmed the LPA's view that the proposal was not considered to be EIA development. In considering the totality of the evidence before me, including the scale and type of development proposed, I see no reason to not concur with this Screening Opinion.

Background and Main Issue

5. Put simply, planning permission for the appeal scheme was refused on the basis that the application had not demonstrated that the site was an appropriate location. This is because the Local Planning Authority consider that it is active agricultural land, the appeal site is located some considerable distance from the grid point of connection (POC) and that it has not been demonstrated that the proposal would be deliverable within a reasonable timescale.
6. The main issue in this case is whether or not the proposed development is in an appropriate location.

Policy Context

7. The relevant adopted local plan is the *Central Lincolnshire Local Plan – Adopted April 2023* (CLLP). In particular the Decision Notice sets out that the proposal is considered to be contrary to Policy S5 (Part E) and Policy S16 of the CLLP.
8. More specifically, **Policy S5**: Development in the Countryside of the CLLP, sets out, at Part E: Non-residential development in the countryside, that:
'Proposals for non-residential development will be supported provided that:
 - a) *The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
 - b) *The location of the enterprise is suitable in terms of accessibility;*
 - c) *The location of the enterprise would not result in conflict with neighbouring uses; and*
 - d) *The development is of a size and scale commensurate with the proposed use and with the rural character of the location.'*
9. **Policy S16**: Wider Energy Infrastructure of the CLLP, sets out that:
'The Joint Committee is committed to supporting the transition to net zero carbon future and, in doing so, recognises and supports, in principle, the need for significant investment in new and upgraded energy infrastructure.

Where planning permission is needed from a Central Lincolnshire authority, support will be given to proposals which are necessary for, or form part of, the transition to a net zero carbon sub-region, which could include: energy storage facilities (such as battery storage or thermal storage); and upgraded or new electricity facilities (such as transmission facilities, sub-stations or other electricity infrastructure.

However, any such proposals should take all reasonable opportunities to mitigate any harm arising from such proposals, and take care to select not only appropriate locations for such facilities, but also design solutions (see Policy S53) which minimises harm arising.'
10. The Appellant and Local Planning Authority refer to the *Sturton by Stow and Stow Neighbourhood Plan* (made 2022; noted as 'adopted 2024' on page 9 of 41 of the Officer's Report to Committee). Whilst not referred to in the reason

for refusal, as it is 'made' it forms a part of the adopted development plan for the area together with the CLLP.

11. The *National Planning Policy Framework* (the Framework) and the national Planning Practice Guidance (PPG) are material considerations and provide national policy and guidance in relation to planning matters.
12. I also note that there are a number of documents which are material considerations, and inform or explain the government's and other bodies approaches to climate change, net zero and energy matters.¹

Reasons

The site and its context

13. The site lies approximately 7km to the south-east of the town of Gainsborough and approximately 13km to the north-west of the city of Lincoln. The nearest settlements are the villages of Stow (approximately 1.3km to the south-east of the site) and Willingham by Stow (approximately 1.3km to the north-east of the site). Both are categorised as 'small villages' under Policy S1 of the CLLP. The 'large village' of Marton is approximately 2.5km to the south-west.
14. The appeal site is located on the southern side, and immediately abuts Marton Road, which is a local unclassified road and connects the village of Willingham by Stow to the A156. There are a small number of isolated properties on the north side of the road, approximately 400m to the west of the site (Sandebus Farm), and the Old Nursery / Nursery House approximately 700m to the west.
15. The site currently comprises an undeveloped agricultural field most recently used for arable farming. It is enclosed by hedgerow boundaries; which I saw are typical of this part of the Lincolnshire Countryside. Beyond its boundaries, the site is surrounded by agricultural fields in all directions. Furthermore, with no planning designations otherwise and based on its appearance and character designations I find that it is within the 'open countryside' for the purpose of this appeal.
16. There is a Public Right of Way (Stow/70/1), approximately 170 metres to the east of the site. The PRoW runs in a north-south alignment, connecting Wooden Lane (track) to Marton Road.
17. The site is not subject to any site-specific policies or allocations within the CLLP. An Area of Great Landscape Value (AGLV) is located approximately 1.7km to the west, on the opposite side of the Gainsborough-Lincoln railway line. However, the railway line acts as a defined boundary between land within that part of the AGLV and the appeal site, the latter of which lies some distance away from the AGLV. Given this I do not find that the proposal would have any discernible effect on the AGLV.
18. The LPA have been subject to five separate applications seeking consent for Nationally Significant Infrastructure Projects (aka NSIPs) relating to renewable energy. All of the projects contain solar PV arrays and battery energy storage systems (BESS). These are summarised in the table below²:

¹ A list of these can be found in the Appellant's *Statement of Case, Issue V2, dated March 2025*, pages 11 to 15

² *WLDC Statement of Case*, pages 9 and 10

Project Name	Approximate Solar Capacity (MW)	Approximate battery storage capacity	Extent of Order Limits(Ha)	Consent Process Stage
Gate Burton Solar Project	531MW	500MWh	824	DCO Granted (July 2024)
Cottam Solar Project	600MW	1357MWh/2773MWh	1,451	DCO Granted (September 2024)
West Burton Solar Project	480MW	159MWh	886.4	DCO Granted (January 2025)
Tillbridge Solar	500MW	tbc	1,345	Recommendation (decision due by October 2025)
One Earth Solar Farm	740MW	tbc	1,409 (1203Ha in Nottinghamshire;	Pre-examination
			206Ha in Lincolnshire)	

19. It should be noted that the appeal site is situated immediately south and on the opposite side of the road to the Gate Burton NSIP. The route corridor, to be shared between Cottam and Tillbridge, is proposed to run immediately south of the application site. The appeal site is located between these two projects.

The Proposal

20. The proposed development comprises the construction and operation of a 400MW BESS, together with switchgear container, inverter/transformer units, a substation, a water tank, access, internal access tracks, security measures, access gates, other ancillary infrastructure and landscaping and biodiversity enhancements. The BESS compound is around 3.71 ha in area and includes³:
- 160 battery modules, (2.89 (W) x 6.58(L) x 3.2 m (H));
 - 80 MVS inverter skids (2.89 (W) x 6.58(L) x 3.2 m (H));
 - 400kV substation compound (97m (W) x 82m (L) x 13m (H (maximum)));
 - 132 kV substation compound (94m (W) x 59m (L) x (6.45m (H (maximum)));
 - 1 metering building (2.6m (W) x 12.2 m (L) x 3.2m (H));
 - 9 car parking spaces (total 14.5m (W) and 5m (L));
 - 1 welfare / office building (2.6 (W) x 12.2m (L) x 3.2 (H));
 - Stores building (2.6m (W) x 12.2m (L) x 3.2m (H));
 - Fire water storage tank;
 - CCTV cameras;
 - Locked access gate;
 - Sensor-controlled lighting;

³ Figures and bullet point list from Appellant's *Statement of Case, Issue V2, dated March 2025*, pages 7 to 8

- Temporary lay down area, approximately 2,500m² (to be used during construction period); and,
 - Perimeter palisade fencing around the Site boundary, 2.5m in height.
21. The remainder of the site is identified as wild meadow and biodiversity planting. The submitted details indicate that the BESS would be in operation for a period of 40 years.

Whether an appropriate location?

22. As set out in the cases of both main parties, the appeal site is located almost adjacent to part of the Gate Burton Energy Park NSIP as shown in the Council's *Statement of Case, Appendix A – West Lindsey Solar NSIPs overview* and *Appendix C.2 Gate Burton Indicative Layout*. In the latter Appendix it is possible to see the area of the appeal site located under plot C12 (on Marston Road). Both appendices also demonstrate that there is consented a number of other energy creating infrastructure planned for this location.
23. To support this, and the regularisation of energy supply to homes and businesses, the Appellant is seeking permission for the creation of a BESS, which would store the energy generated from these and more generally the wider electrical transmission network. At times, such as night-time, when energy is not being generated by solar panels or when excess energy is being generated and cannot be passed directly into the transmission network, the BESS would temporarily store this energy. In doing so, BESS plays an important part in ensuring that the 'lights stay on' and that the flow of energy into the grid from when it is generated to when it is needed is balanced.
24. The Council considers that the distance of around 6km to the nearest Point Of Connection (POC) means that this location is not an acceptable one for this development. Respectfully, I disagree. Firstly there is no requirement for any form of 'sequential test' or field-by-field analysis within local or national planning policy. Secondly, the distance involved here is not atypical to many other examples; including those found locally. This can be seen from Table 4.2 within the Appellant's *Statement of Case, March 2025*, where distances from BESS/Solar farm to POC range from 4.2km to 11.8km. Thirdly, the proposal in this case is directly opposite where the Gate Burton NSIP development has been consented. In this respect, the proposal has the ability to enhance this consented scheme when it is built out; in addition to the general electricity transmission network.
25. At the same time, I acknowledge that the proposal would be located within the countryside and therefore Policies S5 and S16 of the CLLP are especially relevant in this case; as indicated by the Council in its reason for refusal.
26. In this respect, the rural location of the enterprise is justifiable in this case to maintain or enhance the rural economy - as it would contribute to the regularisation of the energy generated at nearby renewable energy schemes and /or other energy within the wider electricity transmission network.
27. The location is acceptable in terms of accessibility; with access achievable off Marton Road, with improvements to the proposed / existing access able to be secured by imposition of a planning condition. Moreover, once constructed, journeys and visits to the BESS are likely to be infrequent and of an irregular nature; mainly revolving around maintenance of the BESS, associated

infrastructure and the monitoring of biodiversity areas within the site. This is unlikely to involve more than two vehicles for most visits, and would not result in any severe traffic or highways impacts.

28. In terms of conflict with neighbouring uses, these are mainly agricultural fields used for agriculture or to be used as part of the NSIP consented solar farms. In relation to the former, access to adjoining fields would still be possible and it is unlikely that a BESS would create pollution or other disturbances which would result in a conflict with fields use for agriculture. In relation to the latter, the proposal is likely to be complimentary to the operation of that use, for the aforesaid reasons. I note that there are residential buildings located to the west and east of the site (along Marton Road and in Normanby by Stow). However, in both cases these are located some distance away from the appeal site. As such, I consider that it is unlikely that the proposal would result in noise, light or other forms of pollution or nuisance which would be intolerable with these neighbouring uses.
29. In terms of scale and size, the proposal would be commensurate with the proposed use; occupying a small part of the wider field network. Moreover, as is possible to see on the submitted drawings, including Drawing numbered FRV1004/02/05 Aerial Overview, the site could be landscaped in a way to minimise the visual effects of the proposed BESS and associated infrastructure on its rural location. This could be reasonably secured by condition. I am reinforced in this view, given that the Council did not cite landscape or visual impact within its reason for refusal⁴.
30. I note the Council points to the visual impacts arising from the appeal scheme in relation to the nearby consented NSIPs raised in its Statement of Case. However, this did not form a reason for its refusal of permission as set out in its Decision Notice. Furthermore, whilst I note that a BESS would be visually at odds to some infrastructure found in rural areas; such as barns and farmhouse for example, rural areas also have many features such as electricity transmission towers, industrial sized greenhouses and polytunnels, and locally the solar farm located near to Stow Park. In this respect, the development of one small field, which can be landscaped in a way so as to minimise any visual impacts, with a BESS which by its nature would be relatively self-contained and be low in height and scale, would not result in a proliferation of utilitarian infrastructure that would be discordant with this part of the countryside.
31. With regard to Policy S16 of the CLLP, indicates that support will be given to proposals that a necessary or form part of the transition to net zero carbon. The proposal in this case forms part of the transition to net zero, by helping regularise energy supply. Indeed, the Policy specifically cites energy storage facilities (such as battery storage); which is the proposal here, in its text. The Policy also sets out that such proposals should take all reasonable opportunities to mitigate any harm arising and take care to select appropriate locations and also design solutions which minimise harm arising.
32. In this case, the harm arising in the Council's view, is articulated in the Decision Notice as; the site being in agricultural use, that it has not been demonstrated why this site has been chosen above previously developed land,

⁴ The Town and Country Planning (Development Management Procedure) (England) Order 2015, Article 35 sets out at (1)(b): 'where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision'

and insufficient detail has been provided to demonstrate that the project would be deliverable within a reasonable timescale. In terms of the agricultural use of the land, the site is graded as 3b agricultural land, which means it does not fall within the definition of Best and Most Versatile Agricultural Land (BMVAL). In other words, it is logical to consider it as 'poorer quality' agricultural land, which the Framework sets out in footnote 65 should be preferred to those of a 'higher quality'.

33. I have considered the preference of previously developed land above, but I find no planning policy basis which requires an Appellant to undertake a potentially limitless sequential assessment of every single alternate site that should be used in preference to the appeal site. Similarly, with regard to deliverability within a timescale I have not been directed to any specific policy where this is a matter that should be specifically considered. Moreover, it is for the developer of the site to satisfy themselves that they are able develop the site as set out in their application for which they are seeking planning permission. I have not been provided with any substantive evidence that the implementation of the permission sought in this case would not be able to be built out as sought within the five year period suggested.
34. Accordingly, I find that, in planning policy terms, the proposal would be located within an appropriate location. As such, it would accord with Policies S5 and S16 of the CLLP, the aims of which I have stated above.

Biodiversity

35. The appeal scheme would provide a Biodiversity Net Gain (BNG) comprising 77.76% in habitat units, 17.98% for hedgerows and 10.47% for watercourses⁵. This would be in excess of the statutory minimum 10% BNG required for most developments in England. A condition would be necessary to safeguard biodiversity during construction (Condition 4) and to secure biodiversity net gain (Conditions 15 and 16).
36. Subject to these conditions the proposal would comply with Policies S60, S61 and S66 of the CLLP, which, amongst other aims, deal with the protection of biodiversity, require all developments deliver at least a 10% measurable net gain, and that existing trees, woodland and hedgerows should be maintained, improved and expanded, with adequate management and maintenance.
37. Furthermore a completed, that is signed and dated 5 August 2025, legal agreement under s106 TCPA has been submitted. This is agreed between the local planning authority and two other parties. It secures a sum of £6,637 in relation to a Biodiversity Net Gain Monitoring Contribution. In doing so, it would seek to ensure that the aims of Policies S60, S61 and S66 of the CLLP are achieved.
38. Moreover, I find that the obligation sought by the Council and secured by the s106 agreement in this case would meet the requirements of Paragraph 58 of the Framework and Regulation 122(2) of the *Community Infrastructure Levy Regulations 2010*, as amended, in that it is necessary to make the development acceptable in planning terms (by ensuring that the BNG sought by planning policy is achieved), is directly related to the development (being specific to the application scheme), and is fairly and reasonably related in

⁵ Appellant's *Statement of Case - March 2025*, Page 21, Paragraph 4.3.24

scale and kind to the development (by being directly related to the scheme and its parameters).

Other Matters

39. I note a number of concerns have been raised by neighbouring occupiers and from local parish councils; Willingham by Stow Parish Council and Stow Parish Council. Some of these are considered above in the main issues section; and therefore I do not repeat them here. Nonetheless, other concerns have also been raised and I consider a number of them here, before considering whether planning conditions could be imposed in order to mitigate concerns raised.
40. I note the concerns raised that the proposal would only provide two hours of battery storage, and therefore it is considered by some objectors that planning permission should not be granted. However, as detailed and considered above, BESS is an important part of the overall regularisation of the electricity network and even a (relatively) small contribution is important. I also note the points raised in terms of the nearby consented NSIP schemes having elements of BESS serving them. However, this does not mean that the contribution to the wider electricity transmission network from the appeal scheme should be ignored. This matter does not provide justification for the dismissal of the appeal proposal.
41. Concerns have been raised in terms of archaeology that may exist under the field. However, this could be reasonably secured by planning condition. As such, it does not provide justification for dismissal of the appeal scheme.
42. With regard to concerns over traffic, I note these. However, no objections have been raised by Lincolnshire County Council, as the local highways authority, in this case; subject to the imposition of planning conditions. Whilst I accept that there will be periods of activities in developing the appeal site, these are likely to be time limited and constrained to a few months. This activity could be controlled by condition to minimise disruption to other highway users. Moreover, the long term maintenance of the BESS and the biodiversity enhancements (including the BNG) are unlikely to necessitate anything more than a few visits to the site by a few people over the year. In such cases, there is unlikely to be any significant traffic movements after the construction period. Accordingly, I do not find that this provides justification for the dismissal of the appeal scheme in this case.
43. With regard to noise and impacts on visual amenity concerns raised, I note that the site is located over 300 metres from the nearest residential dwelling, and over 1km from the settlements of Normanby by Stow and Stow⁶. Given these distances, and the intervening vegetation and other features, I do not consider that the proposal would result in unacceptable harm in this respect. Furthermore, it is possible to use a planning condition to require details of acoustic fences proposed to ensure that these are used as shown on the submitted drawings, to minimise the potential impacts from noise the proposal may result in.
44. With regard to concerns over fire risk from the proposed battery element of the scheme, these are noted. However, it is possible to use suitably worded planning conditions to require the submission and approval of a Battery Safety

⁶ Appellant's *Statement of Case - March 2025*, Page 19, Paragraph 4.3.12

Management Plan. Such a condition would be within broad conformity with the Fire Chiefs Councils guidance on such matters. Whilst there is an ever-present risk of fire from the proposal - as indeed there is from most developments - the securing of a Battery Safety Management Plan by condition would reduce and manage such risks. As such, I do not consider that this provides a reason for dismissing the appeal.

45. In terms of the potential for flood risk, I note that Lincolnshire County Council, as Local Lead Flood Authority, raised no objections on this matter. In the absence of substantive evidence that this would result in unacceptable harm, I see no reason to disagree with that position.
46. I therefore find, whether individually or in combination, that the matters above and all others matters raised by interested parties, do not provide justification for the dismissal of the appeal scheme in this case.

Conditions

47. The Council's Officer Report to committee and the draft Statement of Common Ground, both suggest a list of 19 conditions which are considered should be imposed if planning permission were granted. I have considered these in light of Paragraph 57 of the Framework, and also with regard to the national Planning Practice Guidance and the use of Planning conditions.
48. Conditions requiring the development to begin within five years of the grant of permission (1), and to be in accordance with the submitted drawings (13) are reasonable and necessary to provide certainty.
49. A condition requiring approval of details of the cabling route, which is integral to the proposed scheme, is necessary as the specific route from the proposal to the substation may involve an assessment of highway safety, ecology and/or heritage (2).
50. A condition requiring the submission and approval of a Battery Safety Management Plan is reasonable and necessary in order to reduce the risks to public safety and minimise any environmental impacts from the rare but still present risk of fire(s) occurring at the appeal site (3).
51. For similar reasons, in order to minimise the interests of nature conservation and the local environment, a conditions seeking the submission and approval of a Construction Environmental Management Plan (CEMP) (which includes habitat protection zones) (4) and a Construction Management and Method Statement (5) are necessary and reasonable.
52. Conditions relating to the submission and agreement of a scheme for passing places (6) and a detailed highway condition survey (7) to ensure safe and adequate means of access to and from the site and that the road surface is not unnecessarily degraded from vehicles associated with the proposal scheme, are reasonable and directly related to the development.
53. The four conditions suggested relating to details of an Archaeological mitigation strategy, a Written Scheme of Investigation, notice of the intent to start archaeological investigation, and associated findings reports being submitted, are necessary and directly related to the proposal in this case (8, 9, 10, 11, 12). Their imposition will ensure that any archaeological finds present on the appeal site can be recorded and added to the local historical

records. This would ensure that the development complies with Policy S57 of the CLLP which seeks such aims.

54. A condition relating to a scheme for the disposal of surface flood water is necessary to ensure that adequate drainage facilities are provided and to reduce the risk of flooding and/or pollution of the local water environment, as sought by Policy S21 of the CLLP (14).
55. A condition requiring the development to be carried out in accordance with the Preliminary Ecological Appraisal is necessary and reasonable in order to protect and enhance the biodiversity value of the site, in accordance with Policy S66 of the CLLP (15). Similarly, a condition requiring the delivery of the BNG onsite via a Biodiversity Gain Plan and in accordance with the Statutory Biodiversity Metric received by the Council on 09/01/2025 and prepared by Tyler Grange (16509_R01e_9th January_DP) is necessary to provide clarity and ensure that the development delivers the biodiversity on site in accordance with the Framework, Schedule 7A of the *Town and Country Planning Act 1990*, and local plan Policies S5, S16 and S61 of the CLLP (16).
56. A condition requiring the submission of details for approval of any other battery design other than those shown on the submitted drawings is reasonable and necessary (17). This is because it provides a pragmatic way to ensure that the permission is flexible so that the developer can use the most beneficial battery design at the point of implementation, whilst also ensuring that the Local Planning Authority is able to consider what impacts, if any, require further consideration at that stage. I have, however, reworded it so that it requires a revised Battery Safety Management Plan to be submitted and approved, if one has not already been approved under Condition 3, so that it can consider any implications from the alternate battery design sought.
57. A condition requiring the submission and approval of any acoustic fencing (as recommended in the submitted noise survey) is necessary and reasonable in order to reduce any noise impacts on local residents, and as sought by Policy S53 of the CLLP (18).
58. Lastly, conditions in relation to the removal of the BESS and associated infrastructure on or before 41 years from the date of operation (19), and details and approval of a decommissioning and restoration scheme (20) are reasonable to provide certainty and to ensure that the proposal accords with Policies S5, S16 and S53 of the CLLP.
59. However, I also consider that it is reasonable to impose a further condition, numbered 21, requiring the developer of the site to notify the Local Planning Authority within three months of the start of electricity being imported, exported or transported through the site (21). This would be the 'date of operation' and provide clarity to all parties of when the 41 years period starts.

Conclusion

60. The proposed development would accord with the adopted development plan for the area, and there are no material considerations indicating a decision otherwise. For the reasons given above the appeal should be allowed.

C Parker

INSPECTOR

Conditions Schedule: 3363211

1. The development hereby permitted shall be begun before the expiration of Five years from the date of this permission.
2. No site preparation (including site clearance) or any development hereby approved shall take place until the details of the proposed cabling route to connect the Battery Energy Storage System to the Cottam Substation have been submitted to and approved in writing by the Local Planning Authority. The cabling route shall be completed in accordance with the approved scheme.
3. No development shall take place until a detailed Fire Safety and Battery Management Plan (FSBMP) based on the principles within the Outline Battery Safety Plan that has been submitted with the application have been submitted to and approved in writing by the Local Planning Authority; in consultation with the local fire and rescue service as appropriate. The FSBMP must prescribe measures to facilitate safety during the construction and operation of the battery storage system. The FSBMP shall be implemented in accordance with the approved details.
4. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority.

The CEMP protection plan shall include the following;

- A plan showing habitat protection zones;
- Details of development and construction method measures to be taken to minimise the impact of any works on habitats/ wildlife;
- Details of any precautionary method statements for protected species;
- Details of a sensitive lighting strategy.

The development shall only proceed in accordance with the approved CEMP.

5. No development shall take place until a Construction Management and Method Statement (CMMS) has first been approved in writing by the Local Planning Authority. The CMMS shall indicate measures to mitigate the adverse impacts of vehicle activity and the means to manage the drainage of the site during the construction stage of the permitted development. It shall include:
 - the phasing of the development to include access construction;
 - the on-site parking of all vehicles of site operatives and visitors;
 - the on-site loading and unloading of all plant and materials;
 - the on-site storage of all plant and materials used in constructing the development;
 - wheel washing facilities;
 - the routes of construction traffic to and from the site including any off-site routes for the disposal of excavated material; and,

- strategy stating how surface water run off on and from the development will be managed during construction and protection measures for any sustainable drainage features. This should include drawing(s) showing how the drainage systems (temporary or permanent) connect to an outfall (temporary or permanent) during construction.

The development shall only proceed in accordance with the approved CMMS.

6. No development shall take place before a scheme has been agreed in writing by the Local Planning Authority for the construction of three passing places along Marton Road, between the development site and the junction of the A156, together with arrangements for the disposal of surface water run-off from the highway. The agreed works shall be fully implemented before any of the works associated with the development has commenced, or in accordance with a phasing arrangement to be agreed in writing with the Local Planning Authority.
7. Prior to construction a detailed highway condition survey (dilapidation survey) of Willingham Road/Marton Road has been carried out with the Local Highway Authority and agreed in writing with the Local Planning Authority. The condition of the road shall be documented and agreed, and any damage, shown to be over and above normal wear and tear, shall be repaired or made good by the developer of the site in accordance with the approved highway condition survey.
8. No development shall take place other than in accordance with an Archaeological Mitigation Strategy for the protection of archaeological remains in sensitive areas, submitted to and approved by the Local Planning Authority prior to the start of development. Where development will result in an archaeological impact to one of the identified areas of archaeological interest, a Written Scheme of Archaeological Investigation must be submitted to and approved by the Local Planning Authority. This scheme shall include the following:
 - i. An assessment of significance and proposed mitigation strategy (i.e. preservation by record, preservation in situ or a mix of these elements).
 - ii. A methodology and timetable of site investigation and recording;
 - iii. Provision for site analysis;
 - iv. Provision for publication and dissemination of analysis and records;
 - v. Provision for archive deposition; and
 - vi. Nomination of a competent person/organisation to undertake the work
9. The Local Planning Authority shall be notified in writing of the intention to commence the archaeological investigations in accordance with the approved written scheme referred to in condition 8 at least 14 days before the said commencement.
10. The archaeological site work and any other development works shall be undertaken only in full accordance with the written scheme required by condition 8.
11. Following the archaeological site work referred to in condition 10, a written report of the findings of the work shall be submitted to and approved in writing by the Local Planning Authority, within a timescale to be agreed in consultation with the Lincolnshire County Council Historic Environment Officer (or equivalent

or replacement historic records service) and as set out in the approved Written Scheme of Investigation.

12. The report referred to in condition 11 and any artefactual evidence recovered from the site shall be deposited within a timescale as set out in the approved Written Scheme of Investigation, and in accordance with a methodology and location agreed in writing by the Local Planning Authority, in consultation with the Lincolnshire County Council Historic Environment Officer (or equivalent or replacement historic records service).
13. 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:

- Site Location Plan FRV1004/02/02 Rev 0;
- Proposed Block Plan FRV1004/02/04 Rev 0;
- Battery Unit Details FRV1004/02/07 Rev 0;
- MVS Skid Details FRV1004/02/08 Rev 0;
- Substation Metering Building Details FRV1004/02/09 Rev 0;
- Stores Building Details FRV1004/02/10 Rev 0;
- Welfare and Office Building Details FRV1004/02/11 Rev 0;
- 132Kv Substation Details FRV1004/02/12 Rev 0;
- 400kV Substation Details FRV1004/02/13 Rev 0;
- CCTV Details FRV1004/02/14 Rev 0;
- Paladin fencing details FRV1004/02/15 Rev 0;
- Palisade fencing details FRV1004/02/16 Rev 0;
- Fire Water Tank Details FRV1004/02/17 Rev 0;
- Temporary Construction Compound FRV1004/02/18 Rev 0;
- Site Access FRV1004/02/19 Rev 0;
- Site Access Construction Details FRV1004/02/20 Rev 0;
- Contextual Sections FRV1004/02/06 Rev 0;
- General Arrangement Plan UG_2392_LAN_GA_DRW_01 Rev P07;
- Landscape Strategy Plan UG_2393_LAN_GA_DRW_01 P03.

The works must be carried out in accordance with the details and materials shown on the approved plans and in any other approved documents forming part of the application.

14. No development above ground level must take place until a detailed scheme for the disposal of surface water from the site based on the principles contained within the submitted Flood Risk Assessment and Drainage Strategy by RMA Environmental dated May 2024 have been submitted to and approved in writing

by the Local Planning Authority. No operation of the development must take place until the approved scheme has been fully completed.

15. The development hereby permitted shall proceed in accordance with the ecology mitigation measures as detailed within the Preliminary Ecological Appraisal by Tyler Grange dated Jan 2025.
16. The Biodiversity Gain Plan shall be prepared in accordance with the Statutory Biodiversity Metric received on 09/01/2025 and prepared by Tyler Grange (16509_R01e_9th January 2025_DP).
17. Notwithstanding the battery container plans referred to in Condition 13 of this consent, if an alternative battery design is to be installed on site, prior to their installation, full details, including scaled plans shall be submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved plans unless otherwise agreed in writing.

Furthermore, notwithstanding condition 3 of this permission, if an alternative battery design is submitted and approved, a revised detailed Fire Safety and Battery Management Plan (revised FSBMP), based on the principles within the Outline Battery Safety Plan, shall be submitted to and approved in writing by the Local Planning Authority. The revised FSBMP must prescribe measures to facilitate safety during the construction and operation of the battery storage system in relation to the alternate battery design approved. The revised FSBMP shall be implemented in accordance with the approved details.

18. The development hereby approved shall not be brought into operation until details/specifications of the acoustic fencing, including its positioning in relation to site boundaries (as recommended in the Noise Survey) has been submitted to and approved by the Local Planning Authority.

If an alternative battery type is approved under condition 17, then details of the decibel levels of the proposed battery type shall be submitted to and approved in writing by the Local Planning Authority.

19. The Battery Energy Storage System and all associated infrastructure must be removed from the site and the site must be restored to its former state prior to the commencement of development, on or before 41 years from the first date of operation (except for the biodiversity gain and ecological measures implemented, which shall be retained as approved by the Local Planning Authority within the restoration scheme of condition 20).
20. No later than 6 months prior to the date of 40 years from the first date of operation a decommissioning and restoration scheme shall be submitted to and approved by the Local Planning Authority in writing. The decommissioning scheme shall include a programme and a scheme of works for the removal and restoration of the site; and also detail which aspects of landscaping, biodiversity and/or ecological measures at the site will be retained.

The decommissioning of the site shall be implemented in accordance with the approved details. All buildings, structures and associated infrastructure shall be removed, and the land restored, in accordance with the approved details of the decommissioning scheme within 12 months following the period of 40 years from the first date of operation.

21. Within three months of the start of electricity being stored, or imported, or exported, and/or transported through or on the site's Battery Energy Storage Systems, for which permission has been granted here, confirmation of the date that this activity started on site (otherwise known as the first date of operation) shall be submitted to and confirmed by the Local Planning Authority in writing.

***** END OF CONDITIONS *****



Costs Decision

Site visit made on 29 July 2025

by Mr Cullum Parker BA(Hons) PGCert MA FRGS MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Costs application in relation to Appeal Ref:

APP/N2535/W/25/3363211

Land at Willingham-by-Stow Farm, Marton Road, Stow, Lincoln, DN21 5BH

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by FRV Powertek for a full award of costs against West Lindsey District Council.
 - The appeal was against the refusal of planning permission for '*The installation and operation of a Battery Energy Storage System (BESS) with ancillary infrastructure and landscaping and biodiversity enhancements*'.
-

Decision

1. The application for a full award of costs is allowed in the terms set out below.

Background

2. Parties in planning appeals normally meet their own expenses. However, the national Planning Practice Guidance (the Guidance) advises that costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. In this instance, the Applicant has submitted an application for costs within the deadlines set out. It comprises an application for full costs (on substantive matters), or failing that, an application for partial costs (on procedural grounds). This is principally on the basis that the Council:
 - i) *ignored clear advice from its professional planning officers and statutory consultees and in so doing has prevented or delayed development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations;*
 - ii) *has not reviewed its case promptly following the lodging of this appeal as part of sensible on-going case management;*
 - iii) *has attempted to introduce potential new reasons for refusal in its Statement of Case; and*
 - iv) *has failed to produce evidence to substantiate each reason for refusal on appeal.*
4. The Local Planning Authority, West Lindsey District Council, considers that neither a full nor partial award of costs should be awarded in this case. Whilst

it notes that the decision-makers (the Planning Committee) did not follow their professional officers recommendation to grant permission, it is open to the elected committee to do so. Moreover, the Council points out that, in their view, the Applicant did not apply development plan policies accurately.

5. In particular, they point to Policy S16 of the CLLP. Whilst accepting that Policy S16 of the CLLP does not set out a specific criteria or criterion to qualify as an 'appropriate location' the Council point to the glossary to the Local Plan, which they say indicates that '*Appropriate locations means a location which does not conflict when taken as a whole, with national policy or policies in this Local Plan...*'. The Council go on to point out that the decision-maker needs to be satisfied that the Appellant has taken due 'care' and has selected an 'appropriate location'.
6. A rebuttal was provided by the Applicant on 18 August 2025, which sought to address the points raised by the Local Planning Authority.

Reasons

7. The Council assert that the Applicant has not taken 'care' in selecting the appeal site. This is at odds with the submitted evidence. Contained within that are a number of documents and reports where the Applicant has diligently, and in some detail, considered a plethora of matters in assessing the site. This includes considering the agricultural classification of the land (Grade 3b and not Best and Most Versatile Agricultural Land), Noise impacts assessments, a Grid connection Technical note, a Biodiversity Gain Statement and ecological surveys, archaeological survey reports, an outline battery safety management plan, an Access and Construction Traffic Statement, a Landscape and Visual Impact Assessment, and a Planning Design and Access Statement; to name but a few submitted. It is somewhat peculiar, therefore, to suggest that the Applicant has not taken 'care' in the submission of their application and then appeal.
8. Indeed, the Council's rebuttal indicates that pre-application advice was sought and given to Applicant prior to their submission. This suggests that the Applicant was taking 'care' in formulating their application even before it was submitted to the Council. Moreover, even though it is clear that there is no local or national policy requirement at all to provide any form of exhaustive sequential test discounting every potential site within the whole of Lincolnshire, the Applicant explains why they have assessed the appropriateness in relation to the nearest Point of Connection (PoC). Again this demonstrates a degree of 'care' in deciding where to place the proposed BESS and its associated infrastructure.
9. Furthermore, it is clear in reading both Policy S16 and Policy S5 Part E of the CLLP, that there is no indication or requirement or otherwise that brownfield sites should be prioritised over any others. If the intention was that brownfield sites or only sites within X distance of a PoC should be preferred or encouraged, then the Policies would state that: they do not.
10. Of concern is that fact that the Council, as a Local Planning Authority, will be cognisant of Article 35 of *The Town and Country Planning (Development Management Procedure) (England) Order 2015* (the DMPO). This requires at 1(b) that: '*where planning permission is refused, the notice must state clearly*

and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision’.

11. Yet, the Council’s rebuttal, at paragraph 2.22, refers to Policy S1 of the CLLP and Paragraphs 187 and 189 of the *National Planning Policy Framework* (the Framework). To the contrary, the Decision Notice only states: *The development is considered to be contrary to the provisions of the Central Lincolnshire Local Plan (2023), in particular policies S5 (Part E) and S16.* Policy S1 of the CLLP is not referred to in the reason for refusal. This is surprising given that Policies such as S1 are not only referred to the fairly comprehensive Officer’s Report to committee, but the wording of many of the Policies have been provided within that same Report.
12. Furthermore, there is no reference to the Framework, which has been a consistently important material consideration for over a decade, nor any reason given for why there is a conflict with policies designed to protect the countryside and/or to prioritise previously developed land, within the reason for refusal.
13. In terms of the specific policies referred to on the Decision Notice, S5 and S16 respectively, the Council asserts that the Applicant failed to ‘properly engage’ with these. However, it is clear from the evidence presented, that the Applicant did engage with the adopted development plan.
14. To the contrary, the Council appears to have read further into these policies rather than what they set out in criteria terms. For example, both policies do not specifically refer to why ‘active agricultural land’ or the distance from a PoC are relevant matters in determining proposals such as that sought here. Moreover, neither sets out any criteria for any form of ‘sequential test’ using previously developed land in preference to what is, in essence, a greenfield site.
15. The matter of PoC was considered within the Officer’s Report on page 13 of 41, where the Report states:

‘The key determining factor to identifying the location of a BESS is proximity to available grid capacity. The Distribution Network Operator (DNO) determines where energy generation projects can connect on the network as this is based on complex technical and operational criteria. The proposed BESS will connect to the National Grid substation at Cottam approximately 6.4km away. It is acknowledged that usually a closer distance between the proposed development and the point of connection is preferred.’
16. Clearly, a connection closer to PoC is ‘preferred’, most likely because this means that the cost of potentially expensive cabling can be minimised and possibly less energy lost through its transmission. However, as the Officer Report acknowledges, this is a preference rather than an absolute, and proximity to a PoC is primarily a matter for the operator of the site rather than a critical aspect of planning policy.
17. In terms of Part E of Policy S5, the Officer Report states that:

‘Part E of Policy S5 requires justification for the location of development. Whilst Policy S16 does not require justification in terms of site selection, justification has been provided by the applicant within the submission...’

It is considered that the applicants have provided sufficient information within the application submission to justify the siting of the proposal away from the Cottam Substation.'

18. The Council's Professional Officers not only considered the application, but then reviewed it in respect of each criterion of Policy S5, Part E of the CLLP. It also acknowledged that whilst Policy S16 does not require justification in terms of site selection, Policy S5 does require justification of the location of the development. It goes on to state that 'sufficient information' has been provided by the Applicant to justify its location. It is unclear as to why, when the elected Committee determined the application, this information was considered insufficient.
19. Whilst I note the points about the cabling route to the substation, it is clear on pages 13 and 14 of 41 of the Officer Report, that such matters are for the Applicant to resolve. The Applicant was aware of this matter (via the Council's letter dated 25 September 2024) and responded by providing details of a connection agreement with National Grid. The Report also goes on to detail that a condition would be imposed which could ensure that the PoC and cabling route are achieved before works take place on the site. This is reasonable and a pragmatic way in which to deal with the concerns on these aspects of the proposal.
20. I also note the points raised in terms of the procedural grounds of the costs application. In this respect, I find that the Local Planning Authority have sought to introduce a number of reasons as to why the proposal resulted in harm which were not provided in the reason for refusal. The DMPO, as stated above, is clear and unequivocal. Moreover, it is well established planning practice that the person who has planning permission refused should know what the case is they need to address – that is the purpose of providing reasons for refusal.
21. Whilst there are occasions where further issues arise during the appeal process (for example a change in legislation, or new case law, or another planning decision) that situation has not occurred in this instance. Instead, the Local Planning Authority has sought to introduce additional concerns at the appeal stage. Yet this is on the basis of essentially the same information it had at the determination stage. If it were the case that these were concerns at that point, then these should have been included within the reasons for refusal. They were not. Moreover, it is unclear as to the rationale as to why they were issues at the appeal stage or included within that process.
22. The Local Planning Authority appears to have misunderstood its own policies and then failed to follow what they state (even though the Officer Report, which was before the Planning Committee did undertake this exercise). In doing so I find that the Local Planning Authority was unreasonable on substantive matters grounds.
23. Moreover, the inability of the Local Planning Authority to provide clearly and precisely the full reasons for refusing planning permission in this case, and seeking to raise these at the appeal stage was unreasonable. The behaviour of the Local Planning Authority was unreasonable on procedural grounds.
24. I find that this is behaviour which was unreasonable and resulted in unnecessary and wasted expense on the part of the Applicant. This is because

they were left with little option but to appeal the decision in a case where an appeal could have been avoided altogether had the Local Planning Authority acted rationally. This unreasonable behaviour was compounded further at the appeal stage when, in essence, new reasons for refusal were raised by the Local Planning Authority that the Applicant considered they had to address by providing further information at that stage. This not only resulted in unnecessary and wasted expense for the Applicant, but it was unfair as these were new reasons which were not clearly stated at the refusal stage.

25. For the reasons given above, unreasonable behaviour resulting in unnecessary or wasted expense has occurred and a full award of costs is therefore warranted.

Costs Order

26. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that West Lindsey District Council shall pay to FRV Powertek, the costs of the appeal proceedings described in the heading of this decision; such costs to be assessed in the Senior Courts Costs Office if not agreed.
27. The applicant is now invited to submit to West Lindsey District Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount.

C Parker

INSPECTOR



Appeal Decision

Site visit made on 8 July 2025

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 SEPTEMBER 2025

Appeal Ref: APP/N2535/W/25/3362566

The Cottage, Moortown Road, Nettleton, Market Rasen LN7 6HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Darren Lince at Durable Systems Limited against the decision of West Lindsey District Council.
 - The application Ref is WL/2024/00280.
 - The development proposed is demolish an existing dwelling and erect a new dwelling with detached garage and enlarge the domestic curtilage.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed replacement dwelling constitutes appropriate development or not in its rural setting, having regard to the size and scale of the proposal, its location within the plot and whether the proposal takes opportunities to reduce embodied carbon.

Reasons

3. The Cottage, Moortown Road (The Cottage) is in a predominantly rural area and outside of the developed footprint of a settlement. Although other isolated dwellings and built development were observed along Moortown Road, these cannot be readily seen within the context of The Cottage, which is an anomaly within its surrounding countryside setting.
4. Despite additions to the original property and being two-storey in height, it is modest in scale and sits comfortably within the confines of the existing residential plot. The dwelling occupies a prominent position that can be seen by passersby travelling in both directions along Moortown Road and its demolition and replacement therefore have the potential to affect this rural setting.
5. Policy S5 of the Central Lincolnshire Local Plan (2023) (the LP) relates to development within the countryside and seeks to ensure the rural character of the countryside is maintained. Part B of the policy states that the replacement of an existing dwelling outside the developed footprint of a settlement will be supported if it meets the requirements of sub-parts a) to f). There is contention between the parties regarding sub-parts d) to f).
6. Sub-part d) requires the replacement dwelling to be of a similar size and scale to the original dwelling; sub-part e) necessitates it to be located on the footprint of the original dwelling unless an alternative position within the existing residential

curtilage would provide notable benefits and have no adverse impact on the wider setting; and sub-part f) requires compliance with Policy S11 of the LP in relation to embodied carbon. Each is considered in turn below.

Size and scale

7. Whilst it is acknowledged that the proposal has decreased in size from previous iterations and the policy does not preclude the development of a larger replacement dwelling, the proposed dwelling would be approximately double that of the existing property and therefore cannot reasonably be described as similar in size or scale.
8. Two replacement dwelling cases have been cited by the appellant, at The Brackens¹ and Tudor Lodge², both located on Moortown Road.
9. Whilst the plans show that The Brackens is significantly greater in size and scale than the original dwelling and greater in terms of percentage uplift when compared against the current appeal proposal, The Brackens was located within the settlement at the time of approval. Despite also being located adjacent to the open countryside, it was considered against alternative planning policies and parameters to the current appeal proposal and is therefore not directly comparable.
10. Tudor Lodge appears to have been considered under a similar earlier policy to the current appeal proposal, which implies it was located outside of the settlement at the time the decision was made. However, the supporting report relating to Tudor Lodge states that the proposal was only slightly larger than the existing dwelling and garage, suggesting a 50% increase in size. Although the appellant has undertaken their own calculations and asserts the increase is much greater, and no officer report is before me, it is assumed that this more modest increase in size formed the basis and rationale for finding the proposal acceptable.
11. For these reasons, I am not convinced that these examples are directly comparable to the current appeal proposal.
12. Thus, I find that the proposed development is contrary to Policy S5 Part B sub-part d) of the LP.

Footprint

13. The plans demonstrate that the proposed replacement dwelling sits on the footprint of the existing dwelling and is therefore broadly in the same location on the site. There is no requirement within Policy S5 Part B sub-part e) requiring the exact existing footprint to be utilised.
14. Given that I have determined that the first provision of part e) has been complied with, there is no need to provide notable benefits or demonstrate, for the purposes of this part of the policy, that there are no adverse impacts on the wider setting by choosing an alternative position.
15. The proposed replacement dwelling sits partially outside of the footprint of the existing dwelling because of the significant increase in size and scale, a concern that has been addressed above.

¹ Council Ref 138847 granted approval in 2019.

² Council Ref 126195 granted approval in 2010.

16. I therefore find that the proposed development complies with Policy S5 Part B sub-part e) of the LP.

Embodied carbon

17. Policy S11 of the LP states that all developments should, where practicable and viable, take opportunities to reduce the development's embodied carbon content. To avoid the wastage of embodied carbons in existing buildings and avoid the creation of new embodied carbon in replacement buildings, there is a presumption against demolition. The policy sets out circumstances where demolition would be deemed satisfactory.
18. Despite the appellant asserting that the existing building is not energy efficient and does not meet the needs of modern living, it is habitable. Furthermore, there is no substantive and quantitative evidence before me to demonstrate that it is in a state of such disrepair that it is not practicable or viable to be repaired, refurbished, re-used or re-purposed.
19. A quantitative assessment of the existing dwelling's embodied carbon has not been provided as a baseline position. In the absence of this, it is not possible to assess the effect on embodied carbon arising from either the repair, refurbishment or re-use of the building or from its replacement and enlargement. I am therefore unable to reach a firm conclusion in this respect.
20. No public benefits to outweigh any carbon savings have been identified to justify the demolition of the building.
21. For the above reasons, I am not convinced that a thorough embodied carbon assessment has been undertaken or that there is substantial evidence to demonstrate that it would be unpracticable and unviable to take up opportunities to reduce the embodied carbon content of the proposed development, contrary to Policy S11, and in turn Policy S5 Part B sub-part f), of the LP.

Conclusion

22. For the above reasons, the proposal does not constitute appropriate development in its rural context with regards to size and scale and does not take up opportunities to reduce embodied carbon, contrary to Policies S1, S5 and S11 of the LP.

Other Matters

23. The existing property could be extended further under more general development plan policies or to a lesser extent under permitted development rights. However, no detailed evidence is before me to demonstrate what could be achieved under such mechanisms. In any case, the appellant confirms that such improvements would not lead to a development that meets their requirements and is therefore unlikely to be taken forward as a fallback position.
24. There are acknowledged benefits associated with the proposed replacement dwelling, including the rationalisation of domestic storage resulting in the removal of the various outbuildings, an overall reduction in hard surfacing across the site and improvements to the boundary treatments. However, I have found conflict with policies in the development plan, particularly in relation to size and scale, that are in place to protect the character and appearance of the countryside. These benefits

are limited in this context and do not outweigh the harm found. I therefore attribute limited weight to them.

Conclusion

25. The proposal conflicts with the development plan taken as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal is dismissed.

L Fern

INSPECTOR



Appeal Decision

Site visit made on 27 August 2025

by **R Bartlett PGDip URP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 September 2025

Appeal Ref: APP/N2535/W/25/3367422

5 Hawthorn Avenue, Cherry Willingham, Lincoln, LN3 4JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr A Denton of Natomar Homes Ltd against the decision of West Lindsey District Council.
- The application Ref is WL/2025/00189.
- The development proposed is erection of a single dwelling.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; and ii) the living conditions of occupiers of the proposed dwelling and of existing adjacent dwellings.

Reasons

Character and appearance

3. Hawthorne Avenue is laid out in a U shape, with a cul-de-sac to the southeast. As such, it comprises several distinctly different sections. The section within which the appeal site is located consists predominantly of detached bungalows. Numbers 3 and 5 Hawthorne Avenue are semi-detached houses with gardens and parking to the side. Opposite the appeal site there are three modern detached houses, which form part of a newer residential development to the southwest. Two of these houses, numbers 8 and 10, are located close together but each have driveways and access roads to the other side of them, reflecting the pattern of numbers 3 and 5. Properties on the opposite side of the road to the site are set back behind large front gardens with parking to the front or side. Although properties to either side of the appeal site are located much closer to the road, they are behind low walls, fences or hedges, with gardens and parking spaces in between. The separation of dwellings by gardens and driveways, with parking set back from the street behind gardens or to the side of buildings and with boundary treatments enclosing the frontages, are distinct characteristics, which contribute positively to the spacious appearance of this section of the street.
4. Although the appeal site has been fenced off from the remainder of 5 Hawthorne Avenue, this does not alter its lawful use. This dwelling appeared vacant and was being advertised for sale at the time of my visit. I have not been advised that the high fence, which extends forward of the dwelling and up to the edge of the

footpath, obstructing visibility between drivers and pedestrians, and detracting from other front boundary treatments in the area, has planning permission.

5. The proposed new dwelling would be constructed up to the side boundary with number 5, which dog legs and widens slightly to the rear. On the opposite side of the proposed dwelling there would be a very narrow pathway separating it from the boundary fence adjacent to number 7. The main entrance to the new dwelling would be accessed along this narrow path to the side, whereas other dwellings in the area with side entrances are adjacent to much wider driveways and parking areas.
6. The dimensions given in the appeal statement do not match those shown on the drawings. The appeal statement suggests there would be 2.4m between the side of number 5 and the side of the new dwelling, whereas the plan shows a 2.7m wide driveway. The space between the proposed dwelling and number 11 is stated as being 2.2m, but no dimensions are shown on the drawings, and this is clearly wider towards the front of the site than it is at the rear.
7. Even based upon the questionable dimensions quoted, there would be little over 2m between the proposed new dwelling and the existing ones to either side of it. Whilst some dwellings around the corner are close together, these are not viewed in the same context or street scene as the appeal site, and they mostly have larger front or rear gardens to compensate for the lack of space between them. As numbers 8 and 10 form part of a new development and were designed to be close together, with each having a wider gap on their other side, being set back behind generous landscaped front gardens, and having no habitable side windows, they are not comparable to the appeal proposal, which would leave no open space to either side of number 5 or the new dwelling and no space to the front of either dwelling to provide front boundary treatment or landscaping.
8. I am advised that based upon adopted car parking standards the development should be seeking to retain three spaces for the existing three-bedroom house and to provide two spaces for the proposed two-bedroom dwelling. Given that the site is some distance from the nearest services and facilities, it is likely that future occupiers of both dwellings, and their visitors, would travel to and from the site by car.
9. The submitted photographs demonstrate that a small Fiat 500 car can just fit into the space to be retained at the side of number 5, when parked with its passenger side wing mirror up to the fence. This would mean that passengers would need to get in or out of the car from the roadside and not from the parking space. There would also be very little space to enter or exit the car from the driver's side without damaging the door. Only another small Fiat 500 or similar car could fit in front of this without overhanging the pavement, which would again have no access or egress from the passenger side as it would need to park tight up to the fence to allow space for a third small car to manoeuvre into the small space across the front of the house. This arrangement is not practical, particularly for getting babies, children or persons with restricted mobility out of the cars. Nor would the spaces retained be capable of accommodating larger family cars, which would in turn result in additional on street parking.
10. The photos also show that drivers emerging from the parking spaces to the side would not be able to see pedestrians approaching along the footway due to the

1.8m high fence. The front of even a very small car would need to cross the footpath before the driver would be able to see past the fence, at which point visibility would be obstructed by parked cars. It was apparent from my visit that the road and pavements are quite narrow and that cars do already park half on the pavement, as is also demonstrated in the appellant's photographs.

11. It is proposed to provide two parking spaces directly in front of the new dwelling. The dimensions of these are not annotated on the drawings and it is unclear whether larger cars would fit without overhanging the pavement.
12. In the case of both the existing and proposed dwellings, the car parking would dominate the site frontage. Cars would be parked directly in front of habitable room windows and would leave no space to provide any front garden, soft landscaping or boundary treatment. As the whole frontage of both properties would need to be retained unobstructed to allow access and egress to parking spaces, it is unclear where bins would be stored on collection days without causing obstruction. It is also unlikely that occupiers would be able to get past cars parked on the side driveway with wheelie bins or bicycles stored to the rear of the house.
13. I acknowledge that the design of the gable fronted bungalow with rooms in the roof space, and the small rear garden, would not detract from the variety of dwelling types and garden sizes in the area, and that an increase in on street parking is unlikely to have a harmful effect on highway safety given the quiet nature of this residential street. However, the cramped layout of buildings and parking resulting from the lack of space to be retained around, between and to the front of the existing and proposed dwellings, the absence of front gardens and front boundary features, the replacement of open frontages with cramped and impractical car parking spaces and the likely increase in on-street parking, including over pavements, would as well as restricting pedestrian and vehicular accessibility and visibility, appear cramped and overdeveloped in comparison to the existing spacing between dwellings along this part of Hawthorne Avenue.
14. I therefore conclude that the proposed development would harmfully detract from the character and appearance of the site and the street scene, contrary to policies S4 and S53 of the Central Lincolnshire Local Plan April 2023 (the local plan), policies H3 and D1 of the Cherry Willingham Neighbourhood Plan December 2018 (the neighbourhood plan) and paragraph 135 of the National Planning Policy Framework (the Framework). These policies collectively seek amongst other things to ensure that new development relates well to the site, reflects and enhances existing character and distinctiveness, is appropriate for its context in terms of layout, siting, form, gaps between buildings, and the ratio of developed to undeveloped space within plots. However, I find no conflict with policy S1 of the local plan, which sets out the spatial strategy and settlement hierarchy for the area.

Living conditions

15. The existing dwelling at number 5 has ground floor dining room and kitchen windows in the side elevation. This dwelling appears to have been designed to have these windows looking out onto the side garden, although they currently have limited outlook due to the 1.8m high fence that has been erected to sub-divide the plot. This three-bedroom family house would be left with only a small paved rear garden, which I am advised is approximately 5m long. This would be likely to be overshadowed by the existing and proposed dwellings for much of the afternoon

and evening. It would also be left with very restricted parking for any future occupiers having a larger family car or cars, and with parking directly outside of its front habitable room bay window.

16. The proposed dwelling would be directly to the south of number 5. Due to its height and proximity to this property, it would overshadow the ground floor side windows, severely obstructing the light to these, and the outlook from them, with the new dwelling being much higher than the existing fence. It appears that the new dwelling would also have an air source heat pump that would be located directly behind the fence outside of the habitable ground floor windows of number 5, the constant humming noise from which could cause disturbance and annoyance to occupiers of this property.
17. The existing dwelling at number 7 has a kitchen window directly facing the site, which I am advised is the only window serving that room. A kitchen is a habitable room in which people tend to spend a considerable amount of time. Although the outlook from this window is already restricted by the 1.8m high boundary fence, the new dwelling at 6.4m high would block out much more light and would be far more visually intrusive given its height and close proximity.
18. The existing dwelling at number 11, which is to the rear of the appeal site, has a conservatory and its immediate rear garden area directly behind the proposed dwelling. Although the privacy of the garden and conservatory could be protected from ground floor level views by a fence, the first floor bedroom window proposed in the rear gable, would directly overlook the conservatory and garden from a relatively short distance of approximately 6m. Whilst I acknowledge that the first floor window would be fitted with frosted glass, it is also labelled on the plans as being a fire escape window, and as such it could not be conditioned to be non-opening and any restriction of its opening would not be enforceable. Opening the window would provide future occupiers with clear short distance views into the conservatory and private garden area immediately to the rear of number 11, where occupiers are most likely to sit out, and which is not screened by trees.
19. The size of the rear garden to the proposed dwelling is not dimensioned on the drawings. The appeal statement suggests it would be 6 to 6.5m, however, the new dwelling would be closer to the rear boundary than the existing dwelling, which the statement advises is only 5m long. Occupiers of the proposed new dwelling would therefore have limited rear garden space, albeit the space would be adequate given its modest two-bedroom size. The rear garden would be overlooked by first floor windows of numbers 5 and 11 but this would be at oblique angles and would not be unduly harmful or different to the current situation. Occupiers of the new dwelling would therefore have adequate outdoor space, light, privacy and outlook to the rear, although the outlook to the front would be poor, due to parking being directly outside of the main windows, and the main entrance would be down a narrow side path with limited natural surveillance.
20. I therefore conclude that the proposal would fail to protect and provide suitable living conditions for occupiers of the proposed dwelling, or occupiers of existing dwellings at numbers 5, 7 and 11 Hawthorne Avenue, contrary to policy S53 of the local plan and paragraph 135 of the Framework. These policies seek to ensure that new development secures high standards of amenity for existing and future users, either within the proposed development or neighbouring it, having regard to

overlooking, overshadowing, loss of light and outlook. Policies H3 and D1 of the neighbourhood plan do not refer to living conditions.

Conclusion

21. The proposal conflicts with the development plan and there are no material considerations that indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR



Appeal Decision

Site visit made on 27 August 2025

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2025

Appeal Ref: APP/N2535/W/25/3365701

Lodge Farm, Kirton Road, Scotter, Gainsborough DN21 3JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs Shane Thompson against the decision of West Lindsey District Council.
- The application Ref is WL/2024/00713.
- The development proposed is demolish existing dwellinghouse & erect replacement dwellinghouse.

Decision

1. The appeal is dismissed.

Main Issues

2. The decision notice includes two reasons for refusal. However, the matter of biodiversity net gain is also a main issue in my determination of this appeal, for reasons that will become apparent. The main issues are therefore:
 - (i) The effect of the proposed demolition of the dwelling in heritage terms;
 - (ii) Whether the proposed development meets with the development plan requirements relating to embodied carbon; and
 - (iii) Whether the proposed development would make provision for biodiversity net gain.

Reasons

Heritage

3. The main parties disagree as to whether Lodge Farm should be considered to be a non-designated heritage asset (NDHA). I note that the site appears on the local Historic Environment Record and I would not dispute the rational that at the time it was added to that record it would have been reasonable to consider it as an NDHA. However, it is material to my consideration of the appeal proposal that a two-storey extension to the dwelling has been approved and it appears, from the references made by the parties, to be extant and capable of implementation, albeit noting that the appellant's position is that it is not viable or practical to extend the dwelling in such a way. Nonetheless, it at the very least demonstrates a development that the Council considers to be acceptable in its impact on the appeal building, and it could well be the case that viability and practicality matters are revisited in the future allowing it to proceed.

4. That previously approved development would radically alter the appeal dwelling and erode to a significant extent its character and appearance as a traditional, small-scale farmhouse. Indeed, its front elevation and its general form and design would no longer appear as a traditional farmhouse at all. There is the further matter of the large detached garage with holiday let accommodation above which has recently been constructed on the site. That too is a building which bears little resemblance to the type of building that might be expected to be found on a traditional farmstead. Adding in the additional consideration that two of the other buildings which previously formed part of the original farmstead are no longer present, if the previous planning permission were to be implemented in full the wider site would have little semblance of a farmstead, which is what gave it its significance.
5. On that basis, I do not consider there to be a sustainable argument that the demolition of the appeal dwelling should be resisted to retain the farmstead character and appearance of the site. Comparatively, there would not be a materially greater impact on the significance of the NDHA as a result of the appeal proposal as compared to what has been approved. The significance of the site as a whole has also been considerably reduced by the presence of the new building and the removal of others. Consequently, I conclude that the proposal would accord with the aims of Policies S5 Part B and S57 of the Central Lincolnshire Local Plan 2023 (LP), where collectively they seek to protect buildings of architectural and historic merit, and with the aims of the National Planning Policy Framework where it refers to the historic environment.

Carbon

6. Policy S11 of the LP requires consideration to be given to embodied carbon alongside in-use carbon savings. The energy statement provided by the appellant does not consider the former, although it does outline the in-use carbon savings that would be made and those are substantial. Nonetheless, whilst noting the appellant's concerns as to the accuracy of predicting embodied carbon at this stage in a development proposal, to comply with the requirements of the development plan it would be necessary to provide more information on this matter than has been forthcoming with the appeal submission. Although there is additional provision in the policy relating to buildings in a state of disrepair, there is no substantive evidence to show that this is the case with respect to the appeal property. Therefore, the proposal in its current form fails to demonstrate that it would comply with Policies S5 Part B and S11 of the LP.

Biodiversity net gain

7. Under the statutory framework for biodiversity net gain (BNG) set out in Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990 (as amended), subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. This objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. The planning application form states that the proposal would be exempt from providing a BNG as it would be a self & custom build dwelling.
8. However, it would be necessary for a completed planning obligation to be in place to secure the dwelling that is proposed as a self/custom build dwelling. Otherwise,

there would be no certainty that the proposal would ultimately be delivered as such and thus no certainty that the BNG exemption would be secured. Although the need for a planning obligation to address the matter of self/custom build and BNG was clearly flagged up in the Council's Officer Report, no planning obligation has been provided with the appeal.

9. Furthermore, no pre-development biodiversity value has been provided in order to establish a baseline position. In the absence of the proposal being secured as self/custom build, this means that it has not been demonstrated that the mandatory 10% BNG could be achieved if the development proceeded otherwise than as a self/custom build or that the statutory biodiversity gain condition is capable of being successfully discharged. This is a consideration which weighs significantly against the proposed development.

Planning Balance & Conclusion

10. Whilst I have not found harm in heritage terms, I have found that it has not been demonstrated that there would be a full compliance with Policy S11 of the LP with regard to embodied carbon. Consequently, there would be a failure to accord with the development plan, taken as a whole. Furthermore, it has not been demonstrated that the statutory BNG requirement could be met, and that is a matter which carries significant weight against the proposal. The appeal should therefore be dismissed.

Graham Wraight

INSPECTOR

Appeal Decision

Site visit made on 26 August 2025

by R Gee BA (Hons) Dip TP PGCert UD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2025

Appeal Ref: APP/N2535/W/25/3362422

Former car park to former Wheelhouse restaurant, Lincoln Road, Torksey Lock, Lincoln LN1 2EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by JJLA Limited against the decision of West Lindsey District Council.
 - The application Ref is WL/2024/00048/ 147481.
 - The development proposed is erection of six holiday lets and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework). The parts of the Framework most relevant to the appeal have not substantively changed from the previous version.
3. On 17 September 2025 the Planning Practice Guide (PPG) in respect of the Flood Risk and coastal change was updated. The appellant and Council were invited to make comments on this, and I have taken these comments into account in reaching my decision.

Main Issues

4. The main issues are:
 - i) whether the appeal site is a suitable location;
 - ii) whether the proposal would be acceptable in terms of flood risk;
 - iii) whether suitable measures would be included to adapt to and mitigate the effects of climate change;
 - iv) the impact of the proposals on protected species; and
 - v) whether the requirements of Biodiversity Net Gain (BNG) are met.

Reasons

Location

5. Policy S1 of the Central Lincolnshire Local Plan 2023 (LP) sets out a spatial and settlement hierarchy. Torksey Lock is not a named settlement. Having regard to the

definition within the current LP, I have no reason to disagree with the Council that Torksey Lock forms a Hamlet. Policy S1 states that within the developed footprint of such hamlets, development will be limited to single dwelling infill developments or development allocated through a neighbourhood plan.

6. The proposal is for holiday accommodation and would result in a building that has the facilities required for day-to-day private existence. Whilst the appellant does not seek permanent residential occupation, the purpose of holiday accommodation is for residential use which can be limited by planning condition. I have therefore assessed the proposal as such. Accordingly, as a proposal for 6no units the proposal would not comply with the requirements of Policy S1.
7. The appellant advances that the appeal site is in a sustainable location. I observed other properties in the locality, including a café, and on the opposite side of Foss Dyke, the Elms retirement village. Whilst Torksey Lock has limited facilities I have no reason to doubt that it is a thriving community with an established visitor economy and that the proposal would provide accessible holiday accommodation that would make a positive contribution to the district's visitor economy.
8. Whilst accepting that the proposal is for holiday accommodation the lack of local services and facilities in the vicinity of the appeal site would, therefore, necessitate the need for future occupants to travel to access services in the nearest settlements. The appellant asserts that the location is supported by public transport with a bus route from Lincoln to Gainsborough. I have limited information regarding the frequency of such services. However, I note that these settlements are located some 8-12 miles away. Even when accepting that the site is in a rural location the proposed development would not provide the opportunity to maximise the use of sustainable transport facilities.
9. I recognise that the LP sets out the circumstances where rural tourism proposals will be supported. However, having regard to the criteria of Policy S43 of the LP the information before me does not lead me to conclude that the proposal would satisfy the exemptions.
10. For the reasons stated, I therefore conclude that the proposal would not be in an appropriate location having regard to local planning policies. Accordingly, conflict arises with Policy S1 of the LP which sets out the settlement hierarchy for the district.

Flood risk

11. The information before me indicates that following recent flood risk map updates from the Environment Agency, an area, located broadly central within the application site is located within Flood Zone 2. However, the majority of the appeal site remains within Flood Zone 3. Annex 3 of the Framework sets out that the proposed development would be classed as 'more vulnerable'.
12. The Framework states that inappropriate development in areas of flooding should be avoided by directing development away from areas at high risk.
13. The update to the PPG¹ sets out that the Sequential Test (ST) should be applied to 'Major' and 'Non-major' development proposed in areas at risk of flooding, as set

¹ Paragraph: 027 Reference ID: 7-027-20220825 Revision date: 17 09 2025

out in paragraphs 173 to 174 of the Framework. Paragraphs 175, 176 and 180 set out exemptions from the ST. It states that in applying paragraph 175 a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the ST need not be applied.

14. The appellant asserts that the proposal is exempt from the ST. However, the updated paragraph 27 of the PPG refers to development being safe over its lifetime if it can be shown that the risk from surface water flooding can be mitigated. It is only in those circumstances that a ST is not required, and, therefore, in this instance, as the flood risk does not arise solely from surface water, this exemption does not apply.
15. Accordingly, the decision maker must apply the ST, with the onus on the applicant to demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
16. The PPG states that the ST should be applied proportionately, focusing on realistic alternatives in areas of lower flood risk that could meet the same development need. It goes on to recognise that where there are large areas in Flood Zones 2 and 3 (e.g. coastal towns and settlements on major rivers) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.
17. The appellant submits that the proposal relates to water-side holiday accommodation and that virtually the whole of the locality is in Flood Zone 3, and therefore there is no opportunity for this, or any similar holiday-based development, elsewhere in this area that is not in Flood Zone 3.
18. The ST is not designed to ensure that it can never be passed, and a degree of flexibility and pragmatism is required in its application particularly where it is not possible to locate development in low-risk areas, the ST should go on to compare reasonably available sites. This is particularly the case in West Lindsay where large proportions of the district is covered by Flood Zones 2 and 3. Nevertheless, in this circumstance there is no compelling evidence before me as to why the holiday accommodation is required to be located within a flood zone, and the highest one at that. Whilst I appreciate the appellant desires a location close to water, it has not been demonstrated why holiday accommodation could not be located elsewhere in the district, as supported by the rural tourism policies of the LP, in areas of lower flood risk.
19. Furthermore, the appellant's supporting documentation states an internet search concluded there were no other available sites to accommodate the proposal. However, this does not represent a comprehensive analysis of alternative sites. Accordingly, the evidence fails to sufficiently convince me that the development could not be, nor an exercise to show it has been, directed to an area at lesser or the lowest risk of flooding.
20. It is understood that the appeal site lies within a mineral safeguarding area for sand and gravel extraction, covered by Policy M11 of the Core Strategy. It is understood that this allocation covers a substantial area. Whilst I have not been provided with a

copy of this policy, the evidence before me indicates that this policy is not determinative to the appeal scheme before me owing to the scale of the development proposal.

21. Whilst I appreciate large areas of the district are subject to flood risk, and consequently there are many developments within flood zones, this does not justify putting people and property at risk where it has not been robustly demonstrated that there are no suitable alternative sites in areas of a lower probability of flooding. Furthermore, it has not been proven that the proposal is necessary to sustain an existing community. On this basis, I am not satisfied that the ST has been passed.
22. The ST must be passed before the Exception Test (ET) can be applied as the purpose of the ET is to allow necessary development to take place in situations where sequentially preferable sites are not available.
23. The appellant asserts that the development would incorporate flood resilient measures, which includes raised flood levels and states that the proposal would not cause any rise in the flood level in the immediate area. It is noted that the Environment Agency and Lead Local Flood Authority do not explicitly object to such measures. Nevertheless, flood resistance measures should not be used to justify development in inappropriate locations.
24. As my Decision does not turn on whether the ET has been passed, it is not necessary for me to consider the detailed flood mitigation proposals, or whether the scheme would increase the risk of flooding within the area. Even if the ET is met, this does not override the failure to pass the ST.
25. My attention has been drawn to an allowed appeal at Yatton² and the Court judgment in *Mead Realisations Ltd*³ that sets out that a failure to comply with the Sequential Test is not automatically fatal to a planning application and that other material considerations may outweigh such a failure. From the limited information before me the scale of the proposal in Yatton is not comparable to the appeal scheme before me. Whilst having regard to the approach advocated by the judge in the *Mead* case, in this circumstance the ST has not been passed. Future occupiers would be at long term risk of flooding and to allow development on this basis would be contrary to national policy objectives.
26. For these reasons, the proposal would conflict with Policy S21 of the LP and the Framework which seek to promote, amongst other matters, sustainable growth within appropriate locations and to steer new development to areas with the lowest risk of flooding.

Climate Change

27. Policies S6 and S7 of the LP sets out a clear expectation that development will maximise its contribution to climate change adaptation and mitigation. Amongst other things it sets out design expectations that should be considered when formulating development proposals, including the form and fabric of buildings, heat supply and renewable energy generated.

² Appeal ref: APP/D0121/W/24/3343144

³ *Mead Realisations Ltd v The Secretary of State for Levelling Up, Housing and Communities & Anor* [2024] EWHC 279 (Admin) (12 February 2024),

28. Policy S7 of the LP requires that all new residential development proposals must include an Energy Statement which confirms that in addition to the requirements of Policy S6 that all such residential development proposals, can generate at least the same amount of renewable electricity on- site and to help achieve this point, target achieving a site average space heating demand of around 15-20kWh/m2/yr and a site average total energy demand of 35 kWh/m2/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m2/yr, irrespective of amount of on-site renewable energy production.
29. The appellant submits that a range of carbon reduction measures could be secured by planning condition. However, in the absence of authoritative technical evidence, I cannot be certain about the carbon emissions associated with the proposal and, therefore, whether the measures proposed are sufficient to ensure the proposal adapts to and mitigates climate change in accordance with the requirements of the LP.
30. I therefore conclude on this main issue that the proposal would fail to comply with Policies S6 and S7 of the LP insofar as they seek to ensure development adapts to and mitigates climate change, and to incorporate measures to improve environmental quality.

Protected species.

31. Policies S60 and S61 of the LP seek to protect, manage, enhance and extend the ecological network of habitats and species.
32. The site does not form part of an ecologically designated area. Nonetheless, the appeal site is located proximate to Foss Dyke, and I observed mature vegetation proximate to the appeal site's boundaries.
33. There is limited evidence before me to ascertain the methodology used to produce the statement, the level of ecological expertise and the qualifications of the author of the Preliminary Ecological Appraisal. I, therefore, do not have sufficient information before me from which I can be certain about the ecological baseline of the site. Consequently, it is not possible to identify the degree of harm that could be caused to protected species, or to determine the necessity and effectiveness of any mitigation measures that could be required.
34. In accordance with Circular 6/2005⁴ I consider that this matter should be addressed before a decision is made and that it is not appropriate to attach a condition to a decision in this case.
35. Accordingly, there is insufficient evidence to demonstrate that protected species would be safeguarded. On this basis the proposal fails to accord with Policies S60 and S61 of the LP. Amongst other things, these seek to ensure that development proposals avoid negative impacts on biodiversity and protected species. Furthermore, there is clear conflict with the Framework which seeks to conserve and enhance biological diversity.

⁴ Biodiversity and Geological Conservation

Biodiversity Net Gain

36. The application pre-dates the introduction of a statutory requirement for BNG on small sites. However, Policies S60 and S61 of the LP require amongst other things that development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development, stating that the net gain for biodiversity should be calculated using Natural England's Biodiversity Metric net gain in biodiversity by quantifiable methods such as the use of a biodiversity metric.
37. In the absence of such evidence, I cannot be confident that a measurable gain in BNG is achievable. Conflict therefore arises with Policies S60 and S61 of the LP, and the Framework, in so far as collectively, amongst other things, they require development proposals to contribute to and enhance the national and local environment by providing net gains for biodiversity.

Other Matters

38. The support from the Council's Growth and Projects Officer is noted and I recognise that the proposal would make efficient use of a vacant brownfield site and that the future users could take advantage of a multitude of visitor attractions in the wider locality. The benefits to health and well-being arising from the use of holiday accommodation are not disputed.
39. Subject to conditions I am satisfied that the access and parking arrangements would be acceptable and that the proposal would not be harmful to the living conditions of the occupiers of neighbouring properties.
40. The Council did not allege any harm to the setting of the Grade II Listed Lock and Footbridge which is located proximate to the appeal site. The significance of this Lock is derived from its roman origins. The setting of the heritage asset has clearly changed over time with developments proximate to it. The appeal proposal would be visible from the lock and footbridge. Nevertheless, I am satisfied that the proposal would preserve the heritage asset, its setting and its significance.
41. The proposal would support jobs in construction, and in supply chains, during the construction period. The proposed development would provide for a holiday accommodation, which would increase the availability, and choice, of such in the area. Furthermore, its users would contribute to the local tourism industry and the local economy.
42. Whilst the appellant has raised concerns regarding the Council's processing of the application in terms of the failure to request additional information, I can only deal with the planning merits of the case.

Planning Balance

43. The proposal would conflict with the spatial strategy of the development plan. I have identified conflict in respect of the application of policies relating to flood risk and I cannot be satisfied that the proposal would be acceptable in respect of BNG and protected species. It would be contrary to the development plan in these respects, and I give significant weight to this conflict.
44. Having considered the benefits of the proposal, as outlined above, given the limited size of the proposal, these benefits would be modest and not sufficient to outweigh the harm identified. Moreover, I have no compelling evidence before me that the

proposal would provide wider sustainability benefits to the community that outweigh the flood risk.

45. Notwithstanding the above, having regard to footnote 7 of the Framework, Paragraph 11 (d) is disengaged by flood risk considerations because in this instance flood risk provides a strong reason for refusing the development.

Conclusion

46. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
47. My above findings bring the proposal into conflict with the development plan when read as a whole. There are no material considerations, including the Framework, which indicate the decision should be made other than in accordance with the development plan. I, therefore, conclude that the appeal should be dismissed.

R Gee

INSPECTOR

Agenda Item 9a

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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