

## **Officers Report**

### **Planning Application No: 139558**

**PROPOSAL:** Planning application for 1no. dwelling with detached garage

**LOCATION:** Land to north of South Street North Kelsey Market Rasen  
LN7 6ET

**WARD:** Kelsey

**WARD MEMBER(S):** Cllr C L Strange

**APPLICANT NAME:** Mr & Mrs Waghorn

**TARGET DECISION DATE:** 01/08/2019 (Extension of time agreed until  
23<sup>rd</sup> August)

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Refuse planning permission

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This application has been referred to the Planning Committee following the request of the Ward Member and following third party representations in relation as to whether the application site would amount to being an “appropriate location”.

**Description:** The application site is a piece of land located on the southern side of South Street within the settlement of North Kelsey (a ‘medium village’ under policy LP2 of the Local Plan). The site is accessed via an existing lane off South Street. The highway runs to the north of the site with residential properties beyond and there is agricultural land to the south and west. The site is bordered by trees and hedging along all boundaries. The site levels vary throughout the site and parts of it lie lower than the highway.

The application seeks permission to erect one dwelling and a detached triple garage.

#### **Relevant history:**

**138649-** Planning application for 1no. dwelling with detached garage. Refused 16 January 2019.

**136222-** Pre application enquiry to erect 1no. dwelling- Planning permission unlikely to be forthcoming. Advice given May 2017.

**135103-** Pre application enquiry to erect 1no. dwelling. Planning permission unlikely to be forthcoming.. Advice given November 2016.

#### **Representations:**

Cllr C L Strange (Ward Member): Request that the application is determined by the planning committee and will request a site visit as the site is unusual on being on a brown field site. Approximately 750 metres from the site lies the

proposed development of seven houses on Carr Lane, a further development on the northern extremity has also been allowed. The village has no neighbourhood plan, it is classed as a medium size community and could attract some 45 new houses during the next 20 years. The proposal gives the chance for the applicant and our excellent planning department the chance to erect a really well designed property that would add to the character of the village.

North Kelsey Parish Council: A very positive development.

Local residents:

Letters of support have been received from the following properties:

Ashleigh, South Street  
The Homestead x2, South Street  
Fir Tree Cottage, South Street  
Donna Nook, South Street  
Clarendon, South Street  
Moor Green Cottage,  
School House, South Street  
Fourways, Church Street, Westville, Middle Street,  
Eclipse, Maidenwell Lane,  
1 Pelham View, North Kelsey  
Orchard House, Grange Lane

Summarised as follows:

- Nice to see the old quarry neat and tidy instead of a dumping ground;
- Good infill site for the development of a dwelling rather than putting a mini estate area on what looks like the countryside;
- This small scale development would not impact the area negatively;
- See no reason why planning permission should not be granted and welcome the proposal;
- The area has been transformed into a nature reserve;
- It will improve the look of the land;
- The dwelling will fit in well with the surrounding area;

Petition in support has been received from 20 addresses within North Kelsey- (refers to 138649-previous application)-

- Would have no objection to the planning and development of 'The Old Quarry', located on South Street, North Kelsey

Kemnay, South Street-(In summary)- Objection

- Object in the strongest possible terms to this proposed development as the site is an inappropriate location for development and contrary to local policies;
- The site has already been the subject to a previously refused application and there has been no significant change;

- The site is clearly not reflective or in line with the villages built form and it would be a clear anomaly laying outside of the development boundary.
- The CLLP has now been formally adopted and no longer has a defined settlement boundary, the site is quite clearly located a distance from the old local plan (2006) settlement boundary and therefore will not retain the core shape and form of North Kelsey;
- The revised National Planning Policy Framework of 19 February 2019 clearly states that 'Previously developed land' or 'brownfield land' "excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures."
- The proposed site evidently falls lower down the list as a green field site and consequently should be supported by a sequential test;
- The proposed new access lies next to our property, the volume of traffic will severely affect our residential amenity;
- In summary, this application should be refused as to protect the countryside from unnecessary village 'sprawl' development, protect our residential amenity and ensuring that a co-ordinated and consistent approach for refusing applications which are unacceptable in planning terms is upheld.

Kanjedza, South Street-

- Concerned that the application will set a precedence for building outside of the village limit, there are a number of applications approved and we would not like to see it further expanded;
- The track to the site is very small for lorries to turn around;
- Concerns that the applicant is going to site a storage container and turn it into a builder's yard.

LCC Highways/Lead Local Flood Authority: No objections. Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Archaeology: No representations received.

[Comments from the previous application 138649: The development is located within the historic core of North Kelsey but previous quarrying on the site is likely to have removed any surviving medieval remains. Therefore no archaeological input is required.]

Ancholme Internal Drainage Board: The application lies within the IDB extended district and indicates that, the application will increase the impermeable area to the site and will therefore need to ensure that any existing or proposed surface water system has the capacity to accommodate any increase in surface water discharge from the site.

## **Relevant Planning Policies:**

### **Central Lincolnshire Local Plan 2012-2036**

Following adoption the CLLP forms part of the statutory development plan. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policies considered most relevant are as follows:

LP1:A Presumption in Favour of Sustainable Development  
LP2:The Spatial Strategy and Settlement Hierarchy  
LP3:Level and Distribution of Growth  
LP4:Growth in Villages  
LP10:Meeting Accommodation Needs  
LP17:Landscape, Townscape and Views  
LP21:Biodiversity and Geodiversity  
LP26:Design and Amenity  
LP55:Development in the Open Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-andbuilding/planningpolicy/central-lincolnshire-local-plan>

### **Neighbourhood Plan**

There is currently no neighbourhood plan in preparation, within North Kelsey Parish.

### **National Policy**

National Planning Policy Framework

<https://www.gov.uk/government/publications/national-planningpolicy-framework—2>

National Planning Practice Guidance

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

### **Main issues**

- Principle
- Residential Amenity
- Visual Impact and Design
- Archaeology
- Highways and Access
- Drainage
- Ecology

### **Assessment:**

Principle

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

The application site is located on the edge of the settlement of North Kelsey. North Kelsey is classed as a Medium village in policy LP2 of the Central Lincolnshire Local Plan. The policy LP2 states that proposals in North Kelsey will:

*'Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear community support, the following applies in these settlements:*

- they will accommodate a limited amount of development in order to support their function and/or sustainability.*
- no sites are allocated in this plan for development, except for Hemswell Cliff and Lea.*
- Typically, and only in appropriate locations, development proposals will be on sites of up to 9 dwellings or 0.25 hectares for employment uses. However in exceptional circumstances proposals may come forward at a larger scale on sites of up to 25 dwellings or 0.5 hectares per site for employment uses where proposals can be justified by local circumstances.'*

Local policy LP4 goes on to say that North Kelsey has a growth level of 10%. An updated table of remaining growth for housing in medium and small villages has been completed (30 July 2019) by the Local Planning Authority to sit alongside the CLLP. This confirms that North Kelsey has 431 dwellings which equates to a remaining growth of 43 dwellings. This figure is then reduced by 31 dwellings approved (see planning history column) since 1<sup>st</sup> April 2012 in North Kelsey. Therefore North Kelsey has a remaining growth of 12 dwellings.

#### Appropriate Location

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

- Retain the core shape and form of the settlement;*
- Not significantly harm the settlements character and appearance; and*
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.*

*\*\*\* throughout this policy and Policy LP4 the term 'developed footprint' of a settlement is defined as the continuous built form of the settlement and excludes:*

- a. individual buildings or groups of dispersed buildings which are clearly detached from the continuous built up area of the settlement;*



Planning application reference 125454 was an outline planning application for four dwellings which was refused 20<sup>th</sup> May 2010, the first reason for refusal was *‘the site is outside the built up area of the village where permission for housing development is granted only where it requires a countryside location and is necessary to meet a specific need’* It is noted that this application was refused under the old West Lindsey Local Plan 2006. This application (125454) was then subject to an appeal to the Planning Inspectorate which was subsequently dismissed, within the inspectors report it stated *‘Housing development here would therefore be incongruously located and would not respect the existing pattern and form of the village but would encroach on the open countryside and introduce domestic activity and traffic noise into a currently tranquil area’*. Although this application was determined under previous planning policies it is considered that the principle of the developed footprint of North Kelsey and the importance of retaining this is relevant to the determination of whether this site is an “appropriate location” under the provisions of policies contained within the Central Lincolnshire Local Plan (LP2, LP4).

The application site is located on the edge of the settlement and would not retain the core shape and form of the settlement, it is considered to be detached visually and physically from the built form of the settlement. The site extends out into the open countryside and would therefore not be considered

to be an 'appropriate location' as defined in Policy LP2. The application site therefore falls within open countryside, development is restricted for sites within the countryside under policy LP2 to:

- *That which is demonstrably essential to the effective operation of agriculture, horticulture, forestry, outdoor recreation, transport or utility services;*
- *Renewable energy generation*
- *Proposals falling under policy LP55; and*
- *To minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.*

The application seeks permission for a single dwelling, and there is no indication within the evidence provided within the Planning Statement that the proposed dwelling would fall within any of the specified categories of development that would be appropriate in this location.

Further to this, paragraph 78 and 79 of the National Planning Policy Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. Planning policy at local (Policy LP55) and national level (paragraph 79 and paragraph 170 of the NPPF) recognise the intrinsic character and beauty of the countryside and seeks to prevent the establishment of isolated dwellings in the countryside except where the nature and demands of the work connected make it essential for one or more persons engaged in the enterprise to live at, or very close to, the site of their work.

The proposed dwelling would not, therefore, result in a pattern of development which would fall within any of the specified categories of development that would be appropriate in this location. In addition, a single dwelling would make a limited contribution of the vitality of this rural community.

#### Residential Amenity

The site is large and is set away from other neighbouring properties with the Nearest being to the north approximately 80 metres away. It is noted that the access track is adjacent to 'Kemnay' and there will be some noise from vehicles using the access however this impact is not considered to be harmful enough to warrant a refusal of the application, in view of the amount of traffic likely to be generated. It is therefore considered that the proposal would not result in any significant impact to the residential amenity of nearby properties.

#### Visual Impact and Design

The proposal is a two storey dwelling of a moderate size with a triple garage. The total height to the ridge of the dwelling is 8 metres and the detached dwelling is 5 metres to the ridge. It is considered that given the considerable amount of screening surrounding the site and the topography it would not be likely to significantly harm the character and appearance of the settlement or the surrounding countryside. Materials are noted on the application form and drawing no. 18/124/0004 to be a white render and timber cladding for the external walls of the dwelling and the garage, with a grey roof tile and grey UPVC windows. Given the positioning of the site and it being set back from



the main street scene and that there are a variety of materials used within the area the proposed materials are considered to be acceptable in visual terms.

#### Archaeology

No comments have been received to date from the Historic Environment Officer on this application, however comments were received on the previously refused application (138649) and would be expected to remain applicable. The Historic Environment Officer at Lincolnshire County Council has said that the site is within the historic core of North Kelsey however the previous use of the site as a quarry will more than likely have removed any remains and therefore has no objections to the application.

#### Highways and Access

The site will be accessed from a track off South Street. There are no concerns in relation to highway safety in relation to the proposed dwelling. An informative was also added to the response from the highways department this would have been added as a note to the applicant on the decision notice of permission was to be granted.

#### Foul and Surface Water Drainage

The application form states that surface water is to be disposed of by soakaways and foul sewerage is to be a package treatment plant. These methods are considered to be acceptable however if it was minded to approve the application then a drainage condition should be attached to the decision notice which would request details of a full scheme for the disposal of foul and surface waters including the results of soakaway and percolation tests.

#### Ecology and Protected Species

An ecology survey has been provided as part of the application and provides recommendations. Comments were received from neighbouring occupiers on the previous application (138649) which suggested that there may be Great Crested Newts within the direct vicinity of the site, the applicant was given the opportunity to respond to these comments and did so by email dated 14<sup>th</sup> January 2019, data was obtained from the Lincolnshire Environmental Records Centre which contained no records of Great Crested Newts within a 1km radius of the site. Section 5.2 of the report details how *'The rapid risk assessment tool within the great crested newt license application form (WML-A14-2) was used to assess risk'*. Following these findings the report goes on to state that *'the short and long term impacts from the proposed development will have low/negligible potential impacts on any potential great crested newt population and viable habitats. The decision is based on the following evidence. 1 In accordance with the risk assessment tool provided by Natural England in their method statement the national offence probability score is defined as 0.1 Green-Offence highly unlikely. 2. There are no records of Great Crested Newts within 1km of the site. 3. No great crested newts or evidence of great crested newts were found on site.'*

Natural England standing advice on Great Crested Newts:

<https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>

Therefore on the evidence provided it is concluded there would be no harm to Great Crested Newts. If permission were to be granted then a condition should be placed on the decision to ensure that the development was carried out in accordance with the recommendations as outlined in the ecology survey.

### Other Matters

If the committee were otherwise minded to conclude that the site is an “appropriate location” within the settlement it would need to demonstrate under LP4 that the sequential test is met, as the land is considered to be greenfield, as ‘previously developed land’ excludes ‘land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape’. Policy LP4 states that ‘Proposals for development of a site lower in the list should include clear explanation of why sites are not available or suitable for categories higher up the list.

### Conclusion and reasons for decision

The decision has been considered against local policies LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP3 Level and Distribution of Growth, LP4 Growth in Villages, LP10 Meeting Accommodation Needs, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity and LP26 Design and Amenity of the Central Lincolnshire Local Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment the proposed development is not considered to be within an appropriate location as defined within policy LP2 as it will not retain the core shape and form of the settlement and will extend the built footprint of North Kelsey. The proposal would relate more to the open countryside of which no justification has been provided contrary to policy LP2 and LP55.

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

The proposed development is not considered to be within an appropriate location as defined within policy LP2 as it will not retain the core shape and form of the settlement and will extend the built footprint of North Kelsey. The proposal would relate more to the open countryside of which no justification has been provided contrary to policy LP2 and LP55.

### **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