

## **Officers Report**

### **Planning Application No: 140906**

**PROPOSAL:** Planning application for change of use from water storage tank to single family dwelling.

**LOCATION:** Land Off Caistor Lane Tealby Market Rasen

**WARD:** Market Rasen

**WARD MEMBER(S):** Cllr S Bunney, Cllr J McNeill and Cllr CEJ  
McCartney

**APPLICANT NAME:** Mr Tony Parkinson

**TARGET DECISION DATE:** 16/10/2020

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Refuse.

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This application has been referred to planning committee as the decision is considered to be finely balanced. The site is located within a sensitive landscape (The Lincolnshire Wolds Area of Outstanding Natural Beauty - AONB) and there are representations both in favour and against the proposed development.

#### **Description:**

The site is located in the countryside to the north east of Tealby. The site is a redundant Anglian Water covered reservoir and is located off Caistor Lane (which is a single track road) immediately to the east of the road. The site is approximately 1 km in distance to Tealby All Saints Church. The site is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty (AONB) and is surrounded by open countryside on all sides and has no near neighbours. There is a Group Tree Preservation Order (TPO) to the north of the site and there is an existing access off Caistor Lane with a hedgerow on the rest of this boundary with Caistor Lane. There is a Public Right of Way (Teal/125/1) located approximately 250 metres across open fields (no boundary treatments) to the south east of the site. The site is located above the footpath on a slope.

The application seeks permission to change the use of the water storage tank (covered reservoir which is below ground) to one dwelling. It is proposed to construct a two bed dwelling over three floors. The existing concrete underground reservoir (which is currently buried underground and covered by a grass bank) will be utilised for the ground floor (approximately 3.8 metres in height). On top of this will be two further floors of accommodation measuring approximately 6.5 metres in height. The existing access off Caistor Lane will be utilised leading to two car parking spaces to the north of the dwelling. A new Cor-ten sliding gate will be erected. The site will be open to the east and the south with a 'Ha Ha' boundary treatments and a new native hedge will be

planted on the northern boundary and the existing one retained adjacent to Caistor Lane. The property will have a granite terrace and a small amount of outside amenity space mainly located towards the western end of the site.

Amended plans and an addendum to the Design and Access Statement have been received to meet the recommendations made by Design Midlands in their latest letter dated 27/02/2020.

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

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

### **Relevant history:**

**138066** - Pre-application enquiry for 1 dwelling. Advice given 25/07/2018. *'It is my opinion that the proposal cannot be supported in principle as it currently stands. The proposal fails in relation to Policy LP55 of the Central Lincolnshire Local Plan in relation to Part A and Part D of the policy. No evidence has been provided with this request for pre-application advice outlining why such a dwelling is essential to the effective operation of rural operations listed in policy LP2 (usually for agriculture, horticulture or forestry). This proposal is for market housing. In exceptional circumstances Paragraph 79 of the NPPF allows new dwellings to be built in the countryside where they are of exceptional design contrary to the general policies of restraint for new dwellings in the countryside. If you think you can meet the criteria of paragraph 79 any such proposal (a detailed design) would need to be put before a design panel (Opun) which covers the east midlands area, who can provide you with professional advice as to how to move forward with one of these schemes.'*

**139198** - Planning application for change of use from Anglian Water storage tank to 1no. dwelling. Withdrawn by the applicant 09/05/2019 after the following advice was given by the Case Officer *'I am sorry, your proposal needs to go through the design review panel process run by Opun before it is submitted as a formal planning application. I recommend you withdraw the current application and re-submit once you have taken your proposal through the design review panel process i.e. once you have Opun's formal response back in writing on the merits of your proposed design. Do you therefore want to withdraw your application or do you want me to determine it as submitted (a dwelling in the open countryside contrary to the National Planning Policy Framework. Policy LP2 and LP55 of the Central Lincolnshire Local Plan)?'*

### **Representations**

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

**Parish Council:** Tealby Parish Council have no comments to add at this time.

**Local residents:** The following representations support the proposal:

- Beckside 10 Kingsway Tealby – What an interesting and creative solution. It is excellent news that such a site is being reused and developed. The design fits well and is imaginative. I see the reference to ancient hill forts and such fortifications in this strong but elegant form. I really do hope this actually gets built, and show that architecture doesn't have to be about 1950's suburban villas faced with bits of sandstone.
- 10 Rasen Road Tealby - Brilliant scheme. Looking forward to seeing it built.
- The Poplars Tealby Road Market Rasen – Fully support this application, good creative plans.

The following representations object to the proposal:

Yew Tree House 34 Caistor Lane Tealby - The architecture of this building is not compatible with those existing in Tealby. It does not fit into an area of outstanding natural beauty.

Front Street, Tealby – I would like to object to this proposal, very strongly. Wow! could they have made it even more ugly? It looks like a rusty old corrugated iron shed. A ghastly eyesore on this lovely lane with views overlooking the plain to Lincoln.

**LCC Highways and Lead Local Flood Authority:** 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. Two informatives are suggested.

Internal Drainage Board (IDB) comments attached to this representation:

**If the surface water is to be discharged to any ordinary watercourse** within the Drainage District, Consent from the IDB would be required in addition to Planning Permission, and would be restricted to 1.4 litres per second per hectare or greenfield runoff.

**No obstructions within 9 metres** of the edge of an ordinary watercourse are permitted without Consent from the IDB.

**If surface water or works are planned adjacent to a Main River** within the Drainage District, then the Environment Agency should be contacted for any relevant Permits.

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

**Lincolnshire Wolds AONB Officer:** No representations received to date.

**Natural England:** Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

**Lincolnshire Wildlife Trust:** No representations received to date.

**Tealby Society:** No representations received to date.

**The Ramblers Association:** No representations received to date.

**LCC Rights of Way:** No representations received to date.

**IDOX checked:** 29/09/2020

**Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

**Development Plan:**

\*Central Lincolnshire Local Plan 2012-2036

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

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP21: Biodiversity and Geodiversity

LP26: Design and Amenity

LP55: Development in the Countryside.

*\*With consideration to paragraph 213 of the National Planning Policy Framework (February 2019) the above policies are consistent with the NPPF (February 2019). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 5 as they both seek to deliver a sufficient supply of homes. LP13 is consistent with NPPF paragraphs 108-111 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 155 to 165 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 170 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside. LP21 is consistent with chapter 15 of the NPPF as they both seek to protect and enhance biodiversity and LP26 is consistent with section 12 of*

the NPPF in requiring well designed places. The above policies are therefore attributed full weight.

Neighbourhood Plan:

No plan currently being prepared.

Lincolnshire Minerals and Waste Local Plan (LMWLP)

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

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

Lincolnshire Wolds AONB Management Plan (material consideration)

<https://www.lincswolds.org.uk/looking-after/lincolnshire-wolds-aonb-management-plan>

National policy & guidance (Material Consideration)

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

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/810197/NPPF\\_Feb\\_2019\\_revised.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf)

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in February 2019.

Paragraph 213 states:

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

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

AONB Statutory Duty

[Section 11A\(2\) of the National Parks and Access to the Countryside Act 1949](#), [section 17A of the Norfolk and Suffolk Broads Act 1988](#) and [section 85 of the Countryside and Rights of Way Act 2000](#) require that 'in exercising or performing any functions in relation to, or so as to affect, land' in National Parks and Areas of Outstanding Natural Beauty, relevant authorities 'shall have regard' to their purposes for which these areas are designated.

**Main issues**

- Principle of the Development and Design
- Visual Impact (Lincolnshire Wolds Area of Outstanding Natural Beauty)
- Residential Amenity
- Foul and Surface Water Drainage
- Highway Safety
- Ecology
- Trees Landscaping
- Garden Space
- Other Matters

**Assessment:**

Principle of Development and Design

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

The site is located within the open countryside. The proposal is for an 'exemplar dwelling' under the provisions of paragraph 79 of the NPPF which states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- d) the development would involve the subdivision of an existing residential dwelling; or
- e) the design is of exceptional quality.

Such a design should be:

- truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

This proposal seeks to comply with the exceptional quality of design element of the NPPF. The Central Lincolnshire Local Plan and in particular Policy LP55 is silent on such proposals. Therefore it is required to adopt a reasonable approach in the application of local and national policy.

Policy LP1 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the appropriate Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole;
- or Specific policies in that Framework indicate that development should be restricted.

Prior to the submission of this application a proposed scheme was put before the Design Review Panel for the East Midlands (Opun now Design Midlands) who gave the following feedback on the proposed scheme in a letter dated the 27/06/2019:

*‘The site specifically the disused water tank is considered to be exciting, extraordinary and the re-use to create a retreat for the client achievable. As proposed the scheme was considered to be driven by constraints rather than opportunities, resulting in a building that is domestic in character, which is inconsistent with the disused water tank, the site and its setting. The Panel encouraged the design team to undertake a bolder approach to create a building which reinforces and references the typology, form and character of the water tank and for the water tank to be central / at the fore of the design.*

*Other areas to be addressed include:*

- *Undertaking additional work to strengthen the site analysis to demonstrate an in-depth understanding of the site context;*
- *Develop the landscape strategy which should include clarification on the approach to the site boundaries, open space and to re-examine the extent of the driveway;*
- *Ensure sustainability is embraced at the design development to ensure that it is integral to the design; and*
- *To carefully consider the material palette for the scheme to ensure it is appropriate to the site context.’*

Further advice was given by Design Midlands on the 27/02/2020:

*‘The design is based on the well-documented history of Tealby and its buildings (past and present), the plot and its setting, and the client brief and is a bold and convincing response to the existing structure on the plot.*

*Further development of rationale for the immediate landscape strategy and exploration of how the development significantly enhances its immediate setting would be beneficial.*

*The current proposals overall are considered positive and promising, and the architects are encouraged to explore the options for refinement of the design and to implement sustainability in further detail.'*

The Design and Access Statement submitted with this application (140906) states that the '*building is of exemplary design, as critiqued by Opun/Design Midlands and provided additional information to outline the landscape and sustainability credentials of the building in order to show that the building can stand alone in the countryside and not rely heavily on external sources in order to run.*

*The design of the dwelling will create a folly in the landscape which will highlight how excellent design can improve the setting of an area and turn an unused overgrown area into something of architectural merit. The building therefore, meets the criteria of the NPPF under paragraph 79.'*

It is proposed to construct a two bed dwelling over three floors. The existing concrete underground reservoir/tank (which is currently buried underground and covered by a grass bank) will be utilised for the ground floor (approximately 3.8 metres in height). On top of this will sit a two storey cube clad in aged copper and perforated metal screens. This element of the building will house two further floors of accommodation measuring approximately 6.5 metres in height. The existing access off Caistor Lane will be utilised leading to two car parking spaces to the north of the dwelling. A new Cor-ten sliding gate will be erected (no details submitted). The site will be open to the east and the south with a 'Ha Ha' boundary treatments and a new native hedge will be planted on the northern boundary and the existing one retained adjacent to Caistor Lane. The property will have a granite terrace and a small amount of outside amenity space manly located towards the western end of the site.

Design Midlands in their latest letter dated 27/02/2020, consider the building to be a bold and convincing response to the existing structure on the plot. The current proposals overall are considered 'positive and promising', and the architects are encouraged to explore the options for refinement of the design and to implement sustainability in further detail. Design Midlands, also state that further development of the rationale for the immediate landscape strategy and exploration of how the development significantly enhances its immediate setting would be beneficial. The following detailed comments are made:

- The considered design response draws from a broad context but clarification as to how the development "*significantly enhances its immediate setting*" needs to be made. The case that the design may philosophically enhance an understanding of the setting and site history may support this argument. A clearer explanation also to the approach to the immediate landscape may help.

- The location of the building within the framework of the existing structure/tank is logical, as is the resultant form and materials of the external terrace. Further exploration of immediate landform surrounding the building, particularly the approach along the northwest and southeast would be helpful.
- The landscape drawing indicates a gabion wall, as a contrasting material, which would signal the distinction between old and new. The design team is encouraged to investigate this aspect of the lower floor design further.
- The "off-grid" location of the site makes sustainability a significant requirement for this project, and therefore this should be explored thoroughly in the next design phase. The previous design included photo voltaic (PV) panels and a biomass boiler for energy creation, while the current presentation refers to ground source heat pump technology and the PV panels are no longer mentioned, so the assumption is that power will be supplied from the national grid. The design document states that the building will be "highly insulated", but the plans shown in the sketch plans are thin, and do not appear to contain much insulation. The design team is encouraged to address sustainability in more detail, starting with the building envelope and extending to the size and location of external plant equipment, to ensure these can be integrated convincingly. This work should also include the drainage of storm water from the site and the treatment of waste water.

Amended plans and an addendum to the Design and Access Statement were received on the 22/09/2020. In terms of sustainability the revised proposal will incorporate photovoltaic cells on the roof and a borehole to provide heating and hot water. Further clarification has also been provided and the plans have also been revised to take into account the comments made in regards to landscape by Design Midlands. It is considered that the revised proposal has addressed the recommendations made by Design Midlands in their latest letter dated 27/02/2020.

Judgements on what constitutes good design is subjective by nature and it is not simply a matter of whether one likes it or not. It is important to consider whether it has been carefully thought through including in terms of incorporation of quality materials, a high level of sustainability and a good relationship between form and function. Having met the recommendations and approval of Design Midlands the proposal is considered to be of exceptional quality which reflects the highest standards of architecture, and would help to raise the standard of design in West Lindsey.

However, the proposal cannot be supported in principle as the proposal is located within the Lincolnshire Wolds AONB and will be detrimental to this protected landscape.

The current redundant reservoir tank (approximately 3.84 metres in height) is buried within the ground and covered by a grass bank and blends into the surrounding countryside. It is proposed to utilise the existing tank as living

accommodation, which will involve uncovering the concrete walls of the tank to the south and constructing gabions. A contemporary box providing two floors of accommodation measuring some 6.5 metres in height will be positioned on top of this exposed tank (the first floor of accommodation).

There is a Public Right of Way (Teal/125/1) located approximately 250 metres to the south east of the site. The proposed dwelling is in an elevated position above a Public Right of Way and there are no boundary treatments between the proposed dwelling and this footpath. The proposed structure will therefore be particularly prominent from this location. The proposal will also be prominent from Caistor Lane through the proposed access and above the existing hedge. The existing reservoir is buried beneath a grass bank.

It is also considered that there is the potential for residential 'clutter' in the proposed outside amenity space afforded the dwelling (south western corner of the site).

It is therefore considered that the proposal would harm the natural beauty of this landscape and would be contrary to the NPPF paragraph 79 as it is considered that the proposal would not significantly enhance its immediate setting but would be detrimental to this protected landscape.

#### Visual Impact (Lincolnshire Wolds Area of Outstanding Natural Beauty)

The Council has a statutory duty<sup>1</sup> that:

*"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority shall have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."*

The Lincolnshire Wolds AONB Management Plan (2018-23) was adopted in April 2018. The production of five yearly management plans is a statutory duty for all local authorities that have AONBs, or part of an AONB, within their administrative boundaries and one plan must be produced in partnership with other local authorities and relevant statutory bodies.

Paragraph 172 of the NPPF states that *'Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty.'*

The current redundant reservoir tank (approximately 3.84 metres in height) is buried within the ground and covered by a grass bank and blends into the surrounding countryside. There is a Public Right of Way (Teal/125/1) located approximately 250 metres to the south east of the site. The proposed dwelling is in an elevated position above the Public Right of Way and there are no boundary treatments between the proposed dwelling and this footpath.

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<sup>1</sup> Section 85(1) of the Countryside and Rights of Way Act 2000

It is considered that the proposed residential dwelling in the form of a contemporary box providing two floors of accommodation measuring some 6.5 metres in height on top of the exposed tank (the existing concrete walls of the tank will be uncovered (to the south) with gabions also being constructed will be particularly prominent when viewed from the Public Right of Way. The proposal will also be prominent from Caistor Lane through the proposed access and above the existing hedge.

It is also considered that there is the potential for residential 'clutter' in the proposed outside amenity space afforded the dwelling (south western corner of the site).

It is therefore considered that the proposal would harm the natural beauty of this landscape and would be contrary to the NPPF paragraph 79 as it is considered that the proposal would not significantly enhance its immediate setting but would be detrimental to this protected landscape. The proposal is therefore contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

#### Residential Amenity

Local Plan Policy LP26 states that planning permission will be granted for new development provided the proposal will not adversely affect the residential amenity of neighbouring properties by virtue of overlooking, overshadowing, loss of light or over dominance.

The proposed dwelling is located in the open countryside with no near neighbours. It is therefore considered that the proposed dwelling will not have a harmful impact on the living conditions of neighbouring dwellings or the proposed dwelling.

#### Foul and Surface Water Drainage

Foul sewerage is stated on the application form as being dealt with by way of a septic tank and surface water by way of a soakaway. The revised plans state that an effluent treatment plant will be installed towards the south western corner of the site to deal with foul sewerage.

National Planning Policy Guidance (Paragraph: 020 Reference ID: 34-020-20140306) states that septic tanks or package sewage treatment plants may only be considered if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability and whether the package treatment plant poses a risk to a designated site) in accordance with Approved Document H of the Building Regulations 2010. Septic tanks must not discharge effluent to surface water and must comply with the general binding rules, or a permit will be required.

The appropriateness of the intended method(s) cannot be assessed at this stage. If permission was to be granted a planning condition to secure full drainage details would be recommended.

#### Highway Safety

It is proposed to erect a two bed dwelling which will utilise the existing access off Caistor Lane and provide for two off road car parking space. Lincolnshire County Council Highways do not object to the application but suggest two informatives. If it was minded to grant permission the informatives would be attached to the decision notice.

### Ecology

A preliminary ecological appraisal has been commissioned (Woolley Ecology 15/03/2019) and submitted as part of this applications supporting documentation. The ecologists made the following findings:

- Due to the small size of the Site the poor semi-improved grassland will be lost to facilitate the development. All habitats directly adjacent to the boundary and outside the Site will be retained, including the hedgerow to the south, scrub and mature trees.

The following mitigation methods are suggested:

- Bird nest boxes should be erected on the proposed buildings, which would maintain and enhance breeding possibilities for the Site. Such nesting facilities should be sited away from roads, erected away from disturbance and facing away from prevailing wind and rain.
- In addition, bat boxes, such as the Schwegler 1FF should be erected on the side of the new buildings to increase roosting opportunities within the area. Bat boxes should be installed at varying heights between 3m and 6m on the southern, south-eastern and south-western aspects, with a variety of box types used to provide roosting opportunities for a wide range of species.
- In order to avoid any impacts associated with light spill on potential bat flight-lines, foraging habitat or potential roost locations, the following measures should be implemented;
  - The direct lighting of existing trees, hedgerows, dense scrub, or proposed landscape planning and areas of open standing water should be avoided;
  - Road and flood lighting should use low pressure sodium or high-pressure sodium instead of mercury or metal halide lamps,
  - Lighting will be directional and light spillage will be avoided;
  - Lighting columns would in general be as short as possible, although in some locations taller columns would allow reduced horizontal spill;
  - Lighting levels should be as low as guidelines permit and only used where required for public safety.
- Any deep excavations which must be left open overnight must have sloping boards installed to ensure that any animals such as badgers, hedgehogs or hares that fall in are able to escape.
- Should any non-protected species such as hedgehog, frog, smooth newt or toad be found during works these should be moved carefully by hand to an area to be left undisturbed by works.

- Should evidence of protected species, such as nesting birds, great crested newts, badgers or reptiles, be discovered during works, works should temporarily stop while Woolley Ecology Ltd. or the local office of Natural England are contacted for advice on the best way to proceed.

If it was minded to grant permission appropriate conditions will be attached to the decision notice to cover the above recommendations.

#### Trees and Landscaping

There are trees to the north of the site protected by a TPO and an existing hedge on the boundary fronting Caistor Lane. The Trees Root Protection Area (RPA's) fall outside of the built foot print of the proposed building works and the hedge is also located away from the main construction works.

If it was minded to grant permission the decision notice will be conditioned appropriately to secure full landscaping and boundary treatment details.

#### Garden Space

The garden space afforded the dwelling is considered to be acceptable.

#### **Other Matters:**

##### Public Right of Way

The proposal would not be detrimental to the physical use of the nearby Public Right of Way (Teal/125/1) as the Right of Way is located approximately 250 metres to the south west of the site. Lincolnshire County Council Rights of Way section have not objected to this application. However, users of the public right of way are considered to be sensitive visual receptors and the site is considered to be visually prominent from this foot path as outlined above.

##### Light Pollution

The site is located in the open countryside. If it was minded to grant permission an appropriate condition will be attached to the decision notice to secure full details of external and internal lighting and the mitigation measure proposed to minimise light pollution.

#### **Balancing evaluation and conclusion:**

The decision has been considered against policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy, LP13: Accessibility and Transport, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP21: Biodiversity and Geodiversity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment, the proposal is refused for the following reasons:

1. The principle of development cannot be supported as the proposal is located within the Lincolnshire Wolds Area of Outstanding Natural Beauty and it is considered that the proposal would be detrimental towards, and will otherwise harm the natural beauty of this landscape

and would be contrary to the NPPF paragraph 79. It is considered that the proposal would not significantly enhance its immediate setting but would be detrimental to this protected landscape.

2. The introduction of a dwelling in this location would have a detrimental impact on the Lincolnshire Wolds AONB Landscape as the site is currently a grassed over covered reservoir/tank within the open countryside. It is considered that this proposal would harm the natural beauty of this landscape and would be contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

**Human Rights Implications:**

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

**Legal Implications:**

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

**Representors to be notified -**

*(highlight requirements):*

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

**Prepared by:** Richard Green

**Date:** 29<sup>th</sup> September 2020