

# Officers Report

## Planning Application No: 141705

**PROPOSAL:** Planning application for change of use from holiday let to 1 no. dwelling

**LOCATION:** Minster View Main Road Stainfield Market Rasen LN8 5JL

**WARD:** Bardney

**WARD MEMBER(S):** Cllr I G Fleetwood

**APPLICANT NAME:** Estate of Dennis Fleetwood

**TARGET DECISION DATE:** 30/11/2020

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Danielle Peck

**RECOMMENDED DECISION:** Refuse planning permission

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**The application is referred to the planning committee for determination as the applicant is a relative of the elected Councillor for the Bardney Ward.**

### **Description:**

The application site comprises of a single storey detached building in Stainfield. The existing building lies adjacent to a two storey detached dwelling known as 'Minster View' and a detached garage which are both located to the south of the existing building, further residential properties adjoin the north boundary, the highway is located to the east with open countryside beyond. The building which is the subject of this application was granted planning permission under reference M05/P/0987 to convert to a holiday let.

The application seeks permission to change the use of the existing holiday let to a C3 dwellinghouse.

### **Relevant history:**

**122178-** Request for confirmation of compliance with conditions 4, 6 and 8 of M05/P/0987. Conditions discharged 22 May 2008.

**M05/P/0987-** Planning application to convert bar to holiday let accommodation. Granted within conditions 14<sup>th</sup> December 2005.

### **Representations:**

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

**Bardney Parish Council:** No objection to the application in principle. We wish that the correct procedures are applied when considering this application.

**Local residents:** No representations received to date.

**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 to date.

**LCC Rights of Way Team:** No objections.

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

**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 (CLLP)**

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

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

LP2: The Settlement Hierarchy

LP3: Level and Distribution of Growth

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Countryside

- **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)**

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

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in 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**  
<https://www.gov.uk/government/collections/planning-practice-guidance>
- *National Design Guide (2019)*  
<https://www.gov.uk/government/publications/national-design-guide>

#### Other

Section 56 of the Town and Country Planning Act 1990  
<https://www.legislation.gov.uk/ukpga/1990/8/section/56>

- **Draft Bardney, Southrey, Stainfield and Apley Neighbourhood Plan;**

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/bardney-southrey-stainfield-and-apley-neighbourhood-plan/>

West Lindsey District Council has approved the application by Bardney Group Parish Council to have the parishes of Bardney, Southrey, Stainfield and Apley designated as a neighbourhood area, for the purposes of producing a neighbourhood plan.

The neighbourhood plan group are now consulting with the public and working towards the production of the neighbourhood development plan.

#### **Main issues**

- Principle of development;  
*Planning history and current use;*  
*Assessment of policies within the Central Lincolnshire Local Plan;*  
*Concluding statement*
- Residential Amenity
- Visual Impact
- Drainage

#### **Assessment:**

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.

Planning history and current use;

Planning permission was granted in 2005 for the conversion of a barn to a holiday let under reference M05/P/0987. The permission was granted for the conversion of the barn to a holiday let with the following condition;

2. *The unit of holiday accommodation hereby permitted shall not be used;*  
*(a) at anytime for the purpose of a main residence or for the provision of permanent residential accommodation;*  
*(b) other than to provide short term holiday accommodation such that the same person or persons shall not occupy the holiday accommodation for any period in excess of six weeks in total per calendar year, unless the prior agreement of the District Authority is first received in writing;*

*Or otherwise shall only be used for purposes incidental to the enjoyment of the adjacent dwelling known as Minster View.*

*Reason: For the avoidance of doubt and in order to ensure that the development complies with the countryside and tourism policies contained in policies C1 and T7 of the adopted West Lindsey Local Plan.*

From reading the officers report (M05/P/0987) at the time of the application it is clear that the proposal for the conversion was only acceptable on tourism grounds.

Current use

Building control records show that a commencement of works inspection in relation to planning permission M05/P/0987 was carried out in August 2008, there are also further records of inspections and meetings. Whilst no completion certificate has been issued, it is considered that the development under ref M05/P/0987 has been lawfully initiated for the purposes of section 56 (1) (c)<sup>1</sup> of the Town and Country Planning Act 1990. The building could therefore be used as a holiday let at any time.

During a site visit carried out by the planning officer on 9<sup>th</sup> October 2020 it was apparent to see that the alterations have been carried out in accordance with the approved plans with the exception of the materials on the lean to extension at the front of the building and without the proposed boundary treatment and parking area.

Assessment of policies within the Central Lincolnshire Local Plan

Policy LP2 of the Central Lincolnshire Local Plan sets out a settlement hierarchy. The application site is clearly separated from the nearby settlements of Fiskerton and Bardney. Stainfield does not qualify as a hamlet as described in tier 7 of policy LP2,

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<sup>1</sup> <https://www.legislation.gov.uk/ukpga/1990/8/section/56>

whilst there is a group of 9 dwellings clustered together, there is not a base of at least 15 dwellings. The site is therefore considered to be located in the open countryside. Tier 8. Countryside of the settlement hierarchy would apply.

Policy LP55 Part A sets out criteria for the re-use and conversion of non- residential buildings for residential use in the open countryside. The criteria set out in LP55 Part A is as follows, an assessment of each criteria is also detailed below;

*Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in the settlement hierarchy, then the proposal will be supported provided that the following criteria are met:*

*a. Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and*

No evidence has been provided by the applicant as to why the building can no longer be used as a holiday let. No marketing exercise has been carried out either.

A supporting statement provided with the application states that due to the ongoing health and mobility issues of the applicant who currently resides in Minster View, the option of the single storey holiday let is a more appropriate option for the use of a wheelchair whilst still allowing them to reside in Stainfield. The medical and personal concerns are noted however the personal circumstances of the residents of the host dwelling have been given consideration in the determination of this application, however this does not outweigh allowing a dwelling in the open countryside for these reasons alone.

As part of the determination process the question was posed as to whether the building would be ancillary or in some way dependent on Minster View. It was confirmed that this would not be the case and the application was simply for a separate dwelling in its own right.

*b. The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and*

The building will predominantly remain as it is existing with the exception of the change in material to the small lean to at the front of the building which is to be clad in a timber effect UPVC cladding.

*c. The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.*

The existing building as converted is not of any notable architectural or historic merit.

Paragraph 79 of the NPPF also states that 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, in that it:*

*- is 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.*

#### *Concluding statement*

The existing building does not meet criteria a and c of Part A of policy LP55 of the CLLP, no evidence or marketing exercise has been provided to show that the building cannot be still be used as a holiday let, and the building is also not considered to be of any notable architectural or historical merit. It is also considered that the proposal does not meet any of the criteria in paragraph 79 of the NPPF. The proposal, if granted would therefore create an isolated dwelling within the open countryside which local and national policy seeks to avoid. The proposal is therefore contrary to policy LP55 of the Central Lincolnshire Local Plan and paragraph 79 of the National Planning Policy Framework.

It is considered that policy LP55 is consistent with the conversion of non-residential buildings in the open countryside and housing growth guidance of the NPPF and can be attached full weight.

#### 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.

Upon visiting the site it was clear to see that there is no existing boundary treatment which separates the existing building from Minster View. Approved plans shown on planning application M05/P/0987 show a Lincolnshire post and rail fence around the

application site along with space for parking, however this part of the permission has not been carried out.

Plans provided with this application provide no detail on how the site will be separated from Minster View, it is proposed that parking and amenity space will be shared. Proposed boundary treatment details were requested through email correspondence with the agent for the application, a reply from the agent dated 16<sup>th</sup> October 2020 states that; *“Due to the site being under one family ownership, there are no boundary treatments intended to separate the garden areas”*.

Whilst this arrangement may be considered acceptable in the current situation, it is considered that this would not be acceptable if permission were to be granted for the holiday let to be a dwelling in its own right. The granting of this application would give the possibility for the building to be put up for market sale in the future and to be bought by someone who has no connection with the host dwelling. In the absence of any boundary treatment this open area around the proposed dwelling would be overlooked by the occupiers residing at Minster View.

It is therefore considered that the level of private amenity for the proposed dwelling is unacceptable and does not accord to policy LP26 Design and Amenity of the CLLP.

There are no other amenity concerns arising from the proposed development.

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

#### Visual Impact

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

The building will remain as existing with the exception to the change in material of the small lean to which is proposed to be clad in timber effect UPVC cladding, this is considered to be acceptable. In the event permission was granted a sample of the material would be requested via a condition on any decision. However it is considered that this minor change to the proposed is unlikely to have a harmful impact on the street scene or surrounding area.

It is considered that policy LP17 and LP26 are consistent with the design, character and visual amenity guidance (Chapter 12) of the NPPF and can be attached full weight.

#### Conclusions and reasons for decision:

The decision has been considered against the policies 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, LP26 Design and Amenity and LP55: Development in the Open Countryside of the Central Lincolnshire Local Plan in the first instance and the guidance contained within the National Planning Policy Framework and National Planning Practice Guidance. In light of this assessment the application is recommended for refusal for the following reasons:

1. The application does not meet the criteria of Part A: Re-use and conversion of non-residential buildings for residential use in the open countryside of Policy LP55: Development in the Open Countryside of the Central Lincolnshire Local Plan, no evidence or marketing exercise has been provided to show that the building cannot be still be used as a holiday let, and the building is also not considered to be of any notable architectural or historical merit. The proposal would therefore create a dwelling within the open countryside which local and national policy in the interests of sustainability seeks to avoid. The proposal is therefore contrary to policy LP55 of the Central Lincolnshire Local Plan and paragraph 79 of the National Planning Policy Framework.
2. In the absence of proposed boundary treatments to separate the site from the host dwelling Minster View, the level of private amenity afforded to the proposed dwelling is not at an acceptable level, the amenity of any future occupiers would be unduly harmed by virtue of overlooking contrary to policy LP26 of the Central Lincolnshire Local Plan and guidance contained within the National Planning Policy Framework and the National Planning Practice Guidance.