

## **Officers Report**

### **Planning Application No: 143957**

**PROPOSAL:** Planning application to erect 1no. detached dwelling and creation of vehicular access

**LOCATION:** Land adj Manor Cottage Cliff Road Saxby Market Rasen LN8 2DQ

**WARD:** Waddingham and Spital

**Ward Member:** Cllr J Summers

**TARGET DECISION DATE:** 31/03/2022

**DEVELOPMENT TYPE:** Minor - Dwellings

**CASE OFFICER:** Joanne Sizer

**RECOMMENDED DECISION:** Refuse permission

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This application has been referred to the planning committee as it is supported by the Ward Member on balanced planning matters, over the interpretation of Saxby under policy LP2 (settlement hierarchy), and it is recommended that planning permission is refused.

**Description:** The application site is located in Saxby and consists of a piece of grass land enclosed by front and side boundary walls. It is within a Health and Safety Executive hazardous installations consultation zone.

A residential property (Manor Cottage) adjoins the site to the West while a track serving agricultural buildings to the North runs along its Eastern boundary. Manor Farm House, a Grade II listed building sits approximately 80 metres to the East of the site and Grade I listed St Helens Church is located approximately 115 metres to the South West. Public right of way Saxb/9/1 runs past the west boundary of Manor Cottage and runs north to South through Saxby.

This application seeks permission to erect one new dwelling.

**Relevant history:**

None on the site.

West Barn Cliff Road – 139218 Planning application for sub-division of West Barn into 2no. dwellings, forming West Barn and West Barn Lodge – Concluded Saxby not to fall within the definition of a hamlet. – 2019.

**Representations:**

Cllr Summers:

The village of Saxby is an exemplar form of how a village should be cared for. The Neave family originally came to the village in the second half of the 1800s. Through the generations it is clear to see how they have meticulously developed the asset to not only create an idyllic rural village to meet their needs but also create a community. Being significant landowners they have meticulously farmed the immediate area and grown the opportunities for employment in both arable and livestock sectors.

The village like so many is split by a road, Saxby Cliff Road, creating what might appear to be a North South divide. Nothing could be further from the truth. This is a community comprising of more than 15 houses creating the classification of a hamlet as per The Central Lincolnshire Local Plan. St. Helens Church sits to the south of the village some 115 metres distant of the proposed development of which you claim, The Harm would be "LESS THAN SUBSTANTIAL" in causing harm to the designated heritage assets. Here i disagree for the following reasons.

1. whilst standing in the grounds of the church and viewing the northern aspect along Saxby cliff road nothing stands out of character in any way.
2. Farm buildings, cottages and farm houses all sit sympathetically within the parish.

Of the buildings which would be described as significantly harmful and creating conflict to the setting of the historic church, then the red bricked house with a newly added large extension only 20 metres adjacent the church would fit perfectly. Also the house to the rear of the church with a Victorian gable end i see as equally conflicting and harmful. Both houses are of a different period.

It has been said by those involved in planning, new build should reflect it's period whilst sympathetically blending in with its surrounds. Here we have an application to build a new house, made of stone, cornered with brick, identical in those features in several other houses along the street scene and delicately imitating an agricultural barn. There is most certainly no conflict or harm being caused to the much loved St Helens Church or any other aspect of this village.

I can fully support this application.

Should this application be considered for refusal then i respectfully request it goes to committee for a decision.

Parish Meeting: None received to date.

Local residents:

The Old Rectory – objects to the proposals as summarised below:

- Impact upon the Listed Church, views and historical landscape
- Impact upon the historical form of the village.
- The development does not enhance or benefit the village
- Guidance suggests that Saxby is a hamlet and infilling of the environment is relevant. However, there is no guarantee that the new dwelling will be for a local family residency as numerous other properties in the village are privately tenanted. The new build is not therefore locally required.

- The appearance of the proposed dwelling is not in keeping with the local environment.

LCC Highways and Lead Local Flood Authority: Does not wish to restrict the grant to permission but permission should include highway conditions/informative(s).

Health and Safety Executive:

- The proposed development site which you have identified does not currently lie within the consultation distance (CD) of a major hazard site or major accident hazard pipeline; therefore at present HSE does not need to be consulted on any developments on this site. However, should there be a delay submitting a planning application for the proposed development on this site, you may wish to approach HSE again to ensure that there have been no changes to CDs in this area in the intervening period.
- There is at least one unidentified pipeline in this Local Authority Area. You may wish to check with the pipeline operator where known or the Local Authority before proceeding

National Grid: None received to date.

Archaeology: The proposed development is located within the historic core of the shrunken medieval village of Saxby. The developer's Heritage Impact Assessment has also demonstrated that historic maps show that buildings have formerly stood in the southwest corner of the site, which may have been vernacular mud and stud cottages. The location within the shrunken medieval village of Saxby also means that there is potential for remains of historic settlement and activity on this site prior to the village's later decline. Medieval pottery has also been recovered from a similar modern garden nearby to the east of the proposed development. It is therefore recommended that the developer be required to commission a scheme of archaeological works consisting of the archaeological monitoring and recording of all groundworks, with the ability to stop and fully record archaeological features.

The Ramblers: None received to date.

Historic England: Thank you for your letter of 22 November 2021 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant. It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request

West Lindsey Conservation:

Planning permission is sought for the erection of a two storey detached dwelling in Saxby. It would be to the immediate east of Manor Cottage.

St. Helen's Church, listed at grade I, is located approximately 115m to the south of the application site and Manor Farmhouse, listed at grade II, is located approximately 80m to the east.

The Local Planning Authority must have regard to its statutory duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 in determining this application, in that it must have special regard to the protection of listed buildings and their settings in considering planning applications.

Saxby is a small historic settlement and most of the built form is traditional in its style, with much of it related to the local farming industry. Dwellings tend to be found within spacious plots. The setting of heritage assets is established through a number of factors including the character of the locale in which they are found. The two designated heritage assets are experienced within this setting and it positively contributes to their significance.

It is my opinion that the proposed dwelling would have the appearance of a modern-style dwelling, rather than that of a barn as described in the submitted documents. The design would be jarring against the established traditional built form in the settlement and as such, the proposed dwelling would be highly conspicuous, particularly so in this prominent location on the main route through the settlement.

In considering the small size of the settlement and its established traditional character, the proposed dwelling's impact would be relatively large. It would alter the atmosphere of Saxby through seeking attention rather than blending in. This would have a negative impact upon the setting of the nearby listed buildings.

In considering the National Planning Policy Framework 2021 (the NPPF), the harm to the designated heritage assets would be less than substantial. The NPPF is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. The identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF).

Whilst there could be the opportunity for the plans to be amended to reduce impacts, I understand there are concerns regarding the principle of the development that would need to be overcome before dealing with the specifics of design or siting.

### **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/local-plan/>**

Relevant policies of the CLLP include:

LP1: A Presumption in Favour of Sustainable Development

Policy LP2: The Spatial Strategy and Settlement Hierarchy

Policy LP13: Accessibility and Transport

Policy LP14: Managing Water Resources and Flood Risk

Policy LP17: Landscape, Townscape and Views

Policy LP25: The Historic Environment

Policy LP26: Design and Amenity

Policy LP55: Development in the Countryside

- **Neighbourhood Plan (NP)**

Saxby Parish are not currently preparing a Neighbourhood Plan

- **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)**
- <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**
- **National Design Guide (2019)**
- **National Design Code (2021)**

#### Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

*(a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*(b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*(c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Draft Central Lincolnshire Local Plan**
- <https://central-lincs.inconsult.uk/CLLP.Draft.Local.Plan/consultationHome>

The first consultation on the draft Central Lincolnshire Local Plan ran between 30th June and 24th August 2021

Policies of the Draft Plan which are considered relevant to this application are:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Reducing energy Consumption – Residential development

Policy S20 Flood Risk and Water Resources

Policy S52 Design and Amenity

Policy S56: The Historic Environment

However, as the draft CLLP is at its first stage of preparation and there are still unresolved objections, the policies at this time carry very limited weight in the determination of this application.

**Other:**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - In determining this application special regard to the protection of listed buildings and their settings must be given in the consideration of planning applications.

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

**Main issues**

- Principle of development
- Design and visual amenity and impact upon the Historic Environment
- Neighbouring amenity
- Highway Safety
- Drainage
- Archaeology

**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. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and due to the type of development and location of the site Policies LP1 Presumption in favour of Sustainable Development, LP2 the Spatial Strategy and Settlement Hierarchy and LP55 Development in the Countryside are considered relevant. Policy LP2 and part D of Policy LP55 is considered to be in accordance with Chapter 5 of the NPPF. Full weight is therefore afforded to them in the assessment and determination of this application.

Policy LP2 focuses 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. It sets out a hierarchy for development proposal depending on their location. Saxby is not noted in any of the settlements designated in tiers 1-6 of the hierarchy due to the lack of services and facilities within it. Consideration must therefore be given to it qualifying as a Hamlet as defined in tier 7 or having a Countryside Location as set out in tier 8.

Tier 7 of Policy LP2 defines Hamlets as:

*“7. Hamlets*

*For the purposes of this Local Plan, a hamlet is defined as a settlement not listed elsewhere in this policy and with dwellings **clearly clustered together to form a single developed footprint**\*\*\*. **Such a hamlet must have a dwelling base of at least 15 units** (as at April 2012). Within such hamlets, single dwelling infill developments (i.e. within the developed footprint\*\*\* of the village and within an otherwise continuous built up frontage of dwellings) in appropriate locations\*\* will be supported in principle.”*

Policy LP4 defines the ‘developed footprint’ of a settlement as *the continuous built form of the settlement and excludes:*

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

In the determination of application 139248 in 2019 at West Barn, Cliff Road Saxby, the officer report concluded that Saxby did not meet the definition of a Hamlet as set out in Policy LP2. This was because dwellings in Saxby were not considered to be clearly clustered together to form a single developed footprint and there is a clear divide between the dwellings on the northern side of Saxby Cliff Road and those clustered around the agricultural buildings to

the south. Consequently it was concluded that there is no continuous built form because of the large grassed areas that separates them. This decision is a material consideration in the determination of this application.

In the assessment of this application and from the site visit undertaken by the officer, it is clear that Saxby meets the 15 dwelling base requirement in tier 7 of Policy LP2. However, the matter of the dwellings being clustered together to form a single developed footprint is not such a clear cut matter. The dwellings are in fact set amongst and separated by pockets of undeveloped land, open space, agricultural buildings and agricultural land. The conclusion reached in planning application 139248 is therefore understood. However, the matter of the 15 dwellings being clustered together and identified as the single developed footprint is subjective, open to interpretation and the matter of Saxby meeting the definition of a hamlet is therefore finely balanced.

The ward member has set out in their representations that they consider Saxby is a hamlet as defined in Policy LP2, with its rural character being noted and similar to other village hamlets in the district. If the committee should agree that Saxby is a hamlet then the requirements set out in Tier 7 of Policy LP2 would be relevant for consideration in determining the principle of development. This policy sets out that:

*Within such hamlets, **single dwelling infill developments** (i.e. within the developed footprint\*\*\* of the village and **within an otherwise continuous built up frontage of dwellings**) in appropriate locations\*\* will be supported in principle.”*

“Infill” is defined within the glossary (annex D) of the CLLP as “Development of a site between existing buildings.”.

The development in this regard proposes a single dwelling but having undeveloped land bordering it would not constitute infill development or within an area having a continuous built up frontage of dwellings. Consequently, if Saxby was considered to be a Hamlet, the site would not be considered an appropriate location for the development and not in accordance with the requirements of Policy LP2 (Tier 7).

Alternatively, if the committee do not consider that Saxby is a hamlet as defined in tier 7 of Policy LP2, the development of the site would fall within tier 8 of Policy LP2’s hierarchy and considered to be in a countryside location.

For a countryside location Policy LP2 guides:

“8. 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 LP4, LP5, LP7 and LP57), 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;
- 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 proposals in this instance are considered to be relevant to those falling under Policy LP55 and consequently Part D New dwellings in the countryside is principally relevant and states:

#### Part D: New dwellings in the countryside

Applications for new dwellings will only be acceptable where they are essential to the effective operation of rural operations listed in policy LP2.

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 ongoing concern 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 enterprise.

Any such development will be subject to a restrictive occupancy condition.

The supporting statement submitted with the application does not include any justification for the dwelling which relates to its essential need to the effective operation of rural operations as set out in Policy LP2. Consequently the proposed development does not meet the requirements of Policy LP55 and the principle of a new dwelling in this location is not supported by it.

#### Principle conclusion:

It is considered, consistent with previous applications, that Saxby is not “clearly clustered together to form a single developed footprint” and does not meet with the CLLP definition of a hamlet. Consequently, as development within the countryside, and as set out in tier 8 of Policy LP2, no justification for the dwelling which relates to its essential need of the effective operation of a rural operation has been provided and the development is not therefore in accordance with the requirements of Policy LP55.

However, If the committee should determine that Saxby is a Hamlet as defined in tier 7 of Policy LP2, the development of the site is still not considered to constitute infill development or within an area having a continuous built up frontage of dwellings. Consequently, the site would not be considered an appropriate location for the development and not in accordance with the requirements of Policy LP2 (Tier 7). It is therefore recommended that

the principle of development overall is not in accordance with Central Lincolnshire Local Plan policies LP2 and LP55.

Design, visual amenity and impact upon the Historic Environment.

The application site is currently open grass land which is enclosed by low front and side boundary walls. It faces onto Cliff Road, sits immediately to the east of Manor Cottage and approximately 80 metres to the West of Manor Farmhouse, a grade II listed building. Grade I St Helens Church is also located approximately 115 metres to the South West. Public right of way Saxb/9/1 runs along the West Boundary of Manor Cottage and runs north to South through Saxby affording views through it. The site therefore has clear visual presence along the highway, from the surrounding area and within the setting of the two nearby listed buildings.

In such cases Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 - In considering whether to grant planning permission or permission in principle for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses

Policy LP25 also relates to The Historic Environment and relevantly guides that:

*Development proposals will be supported where they:*

*d. Protect the significance of designated heritage assets (including their setting) by protecting and enhancing architectural and historic character, historical associations, landscape and townscape features and through consideration of scale, design, materials, siting, layout, mass, use, and views and vistas both from and towards the asset. This policy is in accordance with Chapter 16 of the NPPF and full weight therefore afforded to it in the determination of this application.*

Special regard therefore needs to be given to the siting, size, scale layout, design and materials of the proposed dwelling to ensure the setting of the nearby listed buildings are preserved. Consideration must however also be given to these matters to ensure they respect and protect the character of the area. Policies LP17 and LP26 are also relevant in this regard and state that development must

*LP17: protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, as well as maintain and respond positively to any natural and manmade features within the landscape which positively contribute to the character of the area.*

*Policy LP26 respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths.*

These policies are considered to be in accordance with parts 12 and 15 of the NPPF and full weight therefore afforded to them in the assessment of this application.

In relation to the application site and the character of Saxby it is noted that it has always remained predominantly undeveloped. Saxby is an area formed by a mixture of residential and farm buildings which are all set amongst areas of open land/fields and therefore very rural in nature. The dwellings and buildings within the area are also noted to be traditional in style and due to the scattered nature of the buildings amongst the undeveloped areas, their individual presence are elevated and collectively form a strong distinctive character and sense of place; which is connected to its agricultural and historical roots.

The two listed buildings and how they are experienced within this distinctive and local historic character is considered to positively contribute to them and to their significance. The undeveloped nature of the application site and its position between the listed Manor Farm House and Manor Cottage clearly forms part of the historical form of Saxby. The development of the site would clearly impact upon this and how the Listed Farm House is experienced, especially because of their prominent positioning along Cliff Road.

Views of the site are also afforded from and towards the grade I listed Church and both can be read in the same context due to its prominent location on the main route through Saxby. It is because of its location that the development of the site would have a clear presence and impact upon the character of the area, including the setting of the Listed Church. In relation to the proposed development and the design of the proposed dwelling, the conservation officer has raised concerns over the modern appearance of it. Its design, detail and fenestration features are not considered to result in a barn type building as stated in the supporting statement, nor is it in-keeping with the established traditional built form in the settlement. It is therefore considered that the proposed dwelling would jar against the traditional characteristics of the buildings forming the character of the area and as a result would have a highly conspicuous presence in a prominent location. Because of this and due to the small scale of Saxby, the development would have a relatively large impact upon its distinct character. Its presence would consequently be at odds with and detrimental to the distinct local and historical character of Saxby and would alter the atmosphere of the area. The presence of the dwelling would therefore also result in a negative/harmful impact upon the setting of the nearby listed buildings and the development not considered to be in accordance with Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan. This conclusion is also shared by a number of residents within the village.

When considering harmful impacts on designated heritage assets and the guidance set out in the National Planning Policy Framework 2021 (the NPPF); it is clear that harm of any level is undesirable and great weight should be given to the conservation of heritage assets. However, where less than

substantial harm has been identified it guides that the identified harm must be clearly and convincingly justified in terms of public benefits (paragraphs 200 and 202 of the NPPF). The public benefits in this regard are considered to be minimal and based upon a small contribution to Central Lincolnshire's Housing supply and the economy through the construction works associated with the development. Such benefits do not therefore outweigh the harmful impact the development of the site has on the local and historical character of Saxby and the setting of the two nearby designated heritage assets. The development is not therefore considered to be in accordance with paragraphs 200 and 202 of the NPPF and do not preserve the setting of the heritage assets as required by section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The ward member does not however agree that the design and siting of the dwelling is harmful to the character of the village nor significance of the nearby Heritage Assets. The dwelling in their opinion is of its time, while sympathetically blending in with its surroundings. Its design is said to model that of an agricultural barn and is to be constructed in stone cornered with brick, which are noted to be within several other houses along the street scene. The Ward member therefore gives support to the development.

#### Neighbouring Amenity:

CLLP Policy LP26 sets out Amenity Considerations and guides that all the amenities which all existing and future occupants of neighbouring land and buildings may reasonably expect to enjoy must not be unduly harmed by or as a result of development. This policy is considered to be in accordance with paragraph 130 of the NPPF and full weight afforded to it in the assessment of this proposal.

The proposed dwelling will be sited to share a side by side relationship with Manor Cottage and has a separating distance of 5.3 metres between them. The ridge height of the proposed dwelling is also approximately 6.6 metres in height and consequently the relationship the two properties would share is not considered to be unusual or harmful through impacts of presence/dominance, overlooking and shadowing/loss of light. The amount of private amenity serving each dwelling would also be similar as would the relationship the new dwelling would share with the neighbouring buildings and uses. The level of amenity for the proposed dwelling and that of Manor Cottage are therefore considered to be acceptable and in accordance with Policy LP26 of the Central Lincolnshire Local Plan.

#### Highway Safety:

Policy LP13 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. This policy is considered to be in accordance with Chapter 9 of the NPPF and full weight afforded to it in the determination of this application.

A new access will be formed to serve the dwelling by removing part of the existing wall facing onto the track running along the eastern boundary of the site. The site plan also indicates that space to the east side of the dwelling be utilised for off road parking provision. The Local Highway Authority have not raised any concerns/objections the proposed access or parking provision but have requested standard informative relating to works being undertaken in the public highway. The development is therefore considered to be in accordance with Policy LP13 of the CLLP.

Drainage:

Policy LP14 - Managing Water Resources and Flood Risk also relates to adequate drainage provision for the site. This Policy is relevantly in accordance with Chapters 14 and 15 of the NPPF and full weight afforded to it.

The site is located in flood zone 1 having a low probability of flooding and is also in a low risk area for surface water flooding as identified on the Environment Agency Flood maps. No drainage details have been provided with the application and the supporting statement notes that the securing of them can be dealt with through a planning condition. With the use of a condition securing an adequate drainage scheme and its implementation, the development is considered to be in accordance with Policy LP14 of the CLLP.

Archaeology:

The Archaeology section of Local Plan Policy LP25 states that Development affecting archaeological remains, whether known or potential, designated or undesignated, should take every practical and reasonable step to protect and, where possible, enhance their significance. This policy is considered to be in accordance with Paragraph 194 of the NPPF and full weight afforded to it in the determination of this application.

Lincolnshire County Council Archaeology have advised that the proposed development is located within the historic core of the shrunken medieval village of Saxby. The developer's Heritage Impact Assessment has also demonstrated that historic maps show that buildings have formerly stood in the southwest corner of the site, which may have been vernacular mud and stud cottages. The location within the shrunken medieval village of Saxby also means that there is potential for remains of historic settlement and activity on this site prior to the village's later decline. Medieval pottery has also been recovered from a similar modern garden nearby to the east of the proposed development.

They have therefore recommended that the developer be required to commission a scheme of archaeological works consisting of the archaeological monitoring and recording of all groundworks, with the ability to stop and fully record archaeological features. With such a condition in place the development is considered to protect any archaeology on the site through

written preservation in accordance with Policy LP25 of the Central Lincolnshire Local Plan.

Other matters

No consultation responses have been received in relation to the site being in a health and safety executive hazardous installations consultation zone.

Potential amendments to the scheme: although it was indicated by the Conservation Officer that some amendments to the scheme may reduce the harmful impact the proposed development would have on the character of the area and setting of the nearby heritage assets. And the agent noted the potential willingness for his client to alter the scheme; no amendments were sort by the Local Planning Authority. This is due to the principle of development not being supported by Central Lincolnshire Local Plan Policies and the historically undeveloped nature of the site and its prominent position within Saxby.

**Conclusion and Reasons for refusal of permission.**

The application has been assessed against Policies LP1, LP2, LP13, LP14, LP17, LP25, LP26 and LP55 of the Central Lincolnshire Local Plan as well as all other material considerations including policies in the draft Central Lincolnshire Local Plan and guidance within the NPPF. As a result of this assessment the proposals are not considered to be infill development or within an area having a continuous built up frontage of dwellings nor is its rural location justified through an essential need to the effective operation of a rural operation. The siting and design of the dwelling is also not considered to respect the character of Saxby or preserve the setting of the nearby listed building. The site is not therefore considered to be an appropriate location for development and not in accordance with Policies LP2, LP 17, LP26 and LP55 of the Central Lincolnshire Local Plan and refusal of permission is recommended for the following reasons:

1. The proposals are not considered to be infill development or within an area having a continuous built up frontage of dwellings nor is its rural location justified through an essential need to the effective operation of a rural operation. The site is not therefore considered to be an appropriate location for development and does not meet the requirements of Policies LP2 and LP55 of the Central Lincolnshire Local Plan.

2. The development of the application site and the design of the proposed dwelling would result in a harmful impact upon the locally distinct and historic character of Saxby and the setting of the nearby heritage assets. The development is not therefore in accordance with the requirements of Policies LP17, LP25 and LP26 of the Central Lincolnshire Local Plan, as well as section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and guidance within the NPPF.

**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

**Decision Level:** committee.