

## **Officers Report**

### **Planning Application No: 144197**

**PROPOSAL:** Planning application for change of use of existing field to domestic use to grow seasonal fruit and vegetables.

**LOCATION:** Land rear of 3 Walmsgate Barlings Lane Langworth, Lincoln LN3 5DF

**WARD:** Cherry Willingham

**WARD MEMBER(S):** Cllr A Welburn, Mrs S C Hill and Cllr C Darcel

**APPLICANT NAME:** Mr Steven Harper

**TARGET DECISION DATE:** 01/04/2022

**DEVELOPMENT TYPE:** Change of Use

**CASE OFFICER:** Richard Green

**RECOMMENDED DECISION:** Refuse planning permission.

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The application is being referred to the Planning Committee for determination as it is considered to be a balanced decision.

#### **Description:**

The application site (approximately 2600 square metres / 0.26ha) comprises agricultural land on the edge of the built footprint of Langworth. The land is directly to the north east of the rear of No.3 Walmsgate, Barlings Lane (the host dwelling) and a cemetery. The land can be accessed via a track to the side (south west) of No.1 Walmsgate, Barlings Lane. The site is surrounded by open countryside apart from the rear garden of No.3 Walmsgate and the cemetery.

The application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables for the residents of 3 Walmsgate. The submitted statement of use also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The application form indicates that *“Any buildings that may be erected on the area in due course will be in line with this use i.e. a domestic greenhouse for plant propagation and raising tender crops and domestic type shed/workshop for housing tools and equipment needed to care for the owned land”*.

The applicant has provided further justification for the proposal on the 14 March 2022, including an indicative proposed site layout plan on *‘how the applicant would like to develop the area’* which does not form part of the planning application for determination, but is for indicative purposes.

#### **Relevant history:**

**139953** - Planning application to erect 3 no. detached dwellings. Granted 28/10/2019.

**140483** - Planning application to vary conditions 2,3,4,5,6,7 and 8 of planning permission 139953 granted 28th October 2019. Granted 28/02/2020.

**Representations:**

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

**Parish Council:** My Council has no comments; and was unanimously in favour.

**Local residents:** 2 Walmsgate Barlings Lane Langworth: Objects for the following reasons:

- We are opposed to the proposal in its current state predominantly due to environmental and potential legal/anti-social concerns. However, we would not oppose the growing of seasonal fruit and vegetables on a smaller scale.
- A generally accepted/standard size of an allotment needed to sustain a family of four, providing enough room for crop rotation throughout the year, is approximately 250 square meters (1-3). Conversely, the proposed area of the paddock to be used to grow produce is more than ten times this number and there is no mention of the size or situation of the associated out buildings.
- As a consequence, we fear the sheer scale of the proposed plan may add to visual pollution and detract from the current unobstructed view of our garden, paddock and surrounding landscape.
- Moreover, as next-door neighbours we share the private road leading to 3 Walmsgate's paddock which is situated between our paddock and rear garden, meaning any disturbances from increased traffic to install and maintain an allotment of such size will uniquely and unavoidably affect us.
- Additionally, it is worth taking into account that plot one of our three house development is currently unsold and the future residents would be even more affected by disturbances as the adjacent private road runs the entire length and width of the property.
- Risk of food going to waste.
- Furthermore, if this excess produce was to be sold on it would ultimately contravene restrictions laid out in the deeds of the property.
- The extensive and persistent use of herbicides, pesticides and manure soaking into the ground could potentially travel downhill and add to the pollution in the river Barlings Eau.
- Detriment to wildlife.
- Finally, in reference to section 24 of the Application for Planning Permission, the applicant has previously stated to us that he had involvement in local council politics, which we perceived to mean that he is or was a councillor.

Willowfield, Barlings lane, Langworth: We approve of this submission for the land to be used as domestic fruit growing area. It will not make any difference at all to the lane. A lovely idea to not build on it and instead utilise it for growing edible fruits. It's a quality piece of land which would lend itself for exactly this use.

**LCC Highways and Lead Local Flood Authority**: This proposal does not have an impact on the Public Highway or Surface Water Flood Risk. 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 archaeological input required.

**IDOX**: Checked 22/03/2022.

**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 April 2017).

**Development Plan:**

The following policies are particularly relevant:

\*Central Lincolnshire Local Plan

LP1: A Presumption in Favour of Sustainable Development

LP2: The Spatial Strategy and Settlement Hierarchy

LP9: Health and Wellbeing

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP26: Design and Amenity

LP55: Development in the Open Countryside

*\*With consideration to paragraph 219 of the National Planning Policy Framework (July 2021) the above policies are consistent with the NPPF (July 2021). LP1 is consistent with NPPF paragraph 11 as they both apply a presumption in favour of sustainable development. LP2 is consistent with NPPF chapter 2 as they both seek to deliver sustainable growth. LP9 is consistent with NPPF chapter 8 as they both seek to deliver healthy and safe communities. LP13 is consistent with NPPF paragraphs 110-113 as they both seek to ensure an efficient and safe transport network that offers a range of transport choices. LP14 is consistent with paragraphs 159 to 169 of the NPPF as they both seek to avoid putting inappropriate development in areas at risk of flooding. LP17 is consistent with NPPF paragraph 130 & 174 as they seek to protect valued landscapes and recognise the intrinsic character and beauty of the countryside and are sympathetic to the built environment. LP26 is consistent with section 12 of the NPPF in requiring well designed places and LP55 is consistent with paragraph 80 and paragraph 174 of the NPPF as they both seek to avoid isolated new homes in the countryside and both recognise the intrinsic character and beauty of the countryside. The above policies are therefore attributed full weight.*

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

#### Draft Central Lincolnshire Local Plan:

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

Policy S1: The Spatial Strategy and Settlement Hierarchy (numerous unresolved objections through the first round of consultation see below).  
Policy S2: Growth Levels and Distribution (numerous unresolved objections).  
Policy S5: Development in the Countryside (numerous unresolved objections).  
Policy S20: Flood Risk and Water Resources (3 unresolved objections).  
Policy S52: Design and Amenity (2 unresolved objections).  
Policy S53: Health and Wellbeing (5 unresolved objections).  
Policy S66 Best and Most Versatile Agricultural Land (No objections).

The first round of consultation on the Draft Central Lincolnshire Local Plan has now completed. The consultation ran for 8 weeks from 30 June to 24 August 2021. The NPPF states:

“48. 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) 24.”

The early stage of preparation, because consultation has only just completed on the Draft Plan and untested consistency with the Framework mean some weight (but it is still limited) is given to the policies it contains relevant to this proposal at this moment.

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

#### Langworth and Barlings Neighbourhood Plan

Langworth Parish Council has approval from West Lindsey District Council for the parish of Langworth and Barlings to be recognised as a designated area for the purposes of producing a neighbourhood plan. The Parish Council is to seek volunteers to help lead with the plan's preparation. However, at the time of writing there is no plan in circulation that may be taken into consideration when determining this application.

#### 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 July 2021. Paragraph 219 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>
- **National Design Code (2021)**  
<https://www.gov.uk/government/publications/national-model-design-code>

### **Main issues**

- Principle of Development
- Residential Amenity
- Visual Impact
- Other Matters

### **Assessment:**

#### Principle of Development

The application seeks a change of use of the agricultural land to domestic use (garden land) to grow seasonal fruit and vegetables.

The NPPF in paragraph 92 states that planning decisions should aim to achieve healthy, inclusive and safe places which enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Policy 9 of the Central Lincolnshire Local Plan seeks to enhance the role of allotments, orchards, gardens and food markets in providing access to healthy, fresh and locally produced food which helps promote, support and enhance physical and mental health and wellbeing. This Policy is proposed to carry over into the Draft Central Lincolnshire Local Plan under Policy S53: Health and Wellbeing.

However, it is considered that the public benefits of growing fruit and vegetables proposed on this land are limited as the proposal is indicated as being only to serve the occupants of No. 3 Walmsgate, Barlings Lane, Langworth. If permission were granted the permission would be attached to

the land (i.e. the property at 3 Walmsgate) and not with the applicant. These matters of healthy living and access to healthier food therefore should carry some limited weight in consideration of the application.

According to the advice of the National Society of allotment and Leisure Gardeners Ltd, allotments are typically measured in 'poles' an old measurement dating back to Anglo-Saxon times. A typical allotment is up to ten poles – around 250 square metres. By comparison, the application site is ten times that – at around 2,600 square metres. It is therefore unclear as to the need for such a large garden area to serve a single property, which the application does not explain or substantiate.

The application site is in the countryside outside the built foot print of Langworth. Policy LP2 of the Central Lincolnshire Local Plan in section 8 states that development in the countryside will not be granted for development unless it is necessary for agriculture, horticulture or a use of land which necessarily requires a location in the countryside such as proposals falling under Policy LP55 of the Central Lincolnshire Local Plan.

Policy LP17 of the Central Lincolnshire Local Plan 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. No buildings or boundary treatments are proposed through this application and as stated below in the Visual Impact section of this report if it is minded to grant permission certain permitted development rights can be removed such as the right to erect outbuildings and boundary treatments which will help to keep the site free from visual clutter.

Clearly garden use does not need to be located within the open countryside. Barlings Lane in this location has a strong linear form of development with dwellings fronting the lane with rear gardens. This proposal does not relate well to the existing built foot print and relates more to the open countryside around it. A projection of approximately 65 metres to the rear of the host dwelling No.3 Walmsgate, Barlings Lane would be jarringly at odds with the form and character of the settlement creating an alien and discordant garden layout which would result in encroachment into the open countryside beyond. The proposal is considered to be contrary to both the NPPF and Policy LP55 of the Central Lincolnshire Local plan which recognise the importance of protecting the countryside and therefore the proposal is unacceptable.

It is therefore considered overall that, there are some limited benefits in providing healthier food options for the occupants of 3 Walmsgate. This would be limited to the occupants of the dwelling, and so any public benefits arising are accordingly tempered.

However, it would amount to a 2,600 square metre incursion into the open countryside. There are concerns as to how this relates to the countryside and it would be considered to be a departure from development plan policy.

### 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 noise, overlooking, overshadowing, loss of light or over dominance.

This application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables. The submitted statement of also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the land beyond its perimeter.

The site is located to the rear of the host dwelling (No.3 Walmsgate, Barlings Lane) and a cemetery and therefore should not affect the residential amenity of nearby dwellings. However, there is some concern about the proposed access to the land to the side of Woodfeld and No.1 Walmsgate, Barlings Lane in regards to the lack of detail within the application about the proposed use of the land and how intensive it might become.

However, if it is minded to grant this application certain permitted development rights should be removed such as the erection of outbuildings so the use of this land does not become overly intensive. It is therefore considered that the proposal will not be likely to harm the living conditions of neighbouring occupiers.

These matters do not overcome the conflict with policy cited above.

### Visual Impact

Local Plan 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. Where a proposal may result in significant harm, it may, exceptionally, be permitted if the overriding benefits of the development demonstrably outweigh the harm: in such circumstances the harm should be minimised and mitigated.

Policy LP26 also states that the proposal should respect the existing topography, landscape character, streetscene and local distinctiveness of the surrounding area and should use appropriate, high quality materials which

reinforce or enhance local distinctiveness. Any important local view into, out of or through the site should not be harmed.

This application seeks a change of use of the agricultural land as described above to domestic use (garden land) to grow seasonal fruit and vegetables. The submitted statement of also states that the area will contain a mix of vegetable plots, raised borders and various planted fruit trees. The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the land beyond its perimeter.

The site is located to the rear of the host dwelling (No.3 Walmsgate, Barlings Lane) and a cemetery and is considered to be countryside which relates more to the countryside around it. If it is minded to grant permission certain permitted development rights can be removed such as the right to erect outbuildings and boundary treatments which will help to keep the site free from visual clutter. Nonetheless, the application does indicate that (whilst not part of this application) it is their intention that *“The area will also contain a hobby greenhouse used for propagation and growing soft fruit and a shed/workshop to be used for storing gardening tools and machinery to maintain the area and the paddock beyond its perimeter.”* It therefore has the potential for harm, if limited, to the character and appearance of the countryside beyond.

### **Other Matters:**

#### Agricultural Land

The High-Level Natural England maps indicate the site is in Agricultural Land Classification (ALC) 3 – Good to moderate as is most of the land in and around Langworth. The map does not distinguish between grade 3a and 3b – 3A land qualifies as “best and most versatile (‘BMV’) land.

Policy LP55 part G seeks to protect the best and most versatile agricultural land. The site is located within one of the best and most versatile categories. However, the land is not currently used for an intensive agricultural use. It is considered that the proposal to grow fruit and vegetables on the land would mean the land is being used for an appropriate use and could easily revert back to intensive agricultural production

However, these matters do not overcome the conflict with policy cited above.

#### Paddock and Stable Block

There is a paddock and stable block to the south east of the site with no planning history. It is unclear whether this is a lawful use. However, such a use is considered likely to be appropriate under Policy LP55 of the Central Lincolnshire Local Plan as it is a recreational use that may justify a countryside location. The principle of development can therefore be supported subject to other material considerations.

**Recommendation: Refuse planning permission for the following reasons:**

The proposal has been considered in light of relevant development plan policies, namely policies LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, LP4: The decision has been considered against Policy LP1: A Presumption in Favour of Sustainable Development, LP2: The Spatial Strategy and Settlement Hierarchy, Policy 9 – Health and Wellbeing, LP14: Managing Water Resources and Flood Risk, LP17: Landscape, Townscape and Views, LP26: Design and Amenity and LP55: Development in the Countryside of the adopted Central Lincolnshire Local Plan in the first instance and the guidance contained in National Planning Policy Framework and National Planning Practice Guidance.

In light of the above assessment it is considered that the principle of the proposal is not acceptable and is refused for the following reasons:

1. Garden use does not need to be located within the open countryside. Barlings Lane in this location has a strong linear form of development with dwellings fronting the lane with rear gardens. This proposal does not relate well to the existing built foot print and relates more to the open countryside around it. A projection of approximately 65 metres to the rear of the host dwelling No.3 Walmsgate, Barlings Lane would be jarringly at odds with the form and character of the settlement creating an alien and discordant garden layout which would result in encroachment into the open countryside beyond. The proposal is considered to be contrary to the NPPF and Policy LP55 of the Central Lincolnshire Local plan which both recognise the importance of protecting the countryside and therefore the proposal is unacceptable.

**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.