

Officers Report

Planning Application No: 144639

PROPOSAL: Planning application for construction of an agricultural storage building

LOCATION: Church Farm Church Lane Stainton By Langworth Lincoln LN3 5BL

WARD: Cherry Willingham

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

APPLICANT NAME: Mr Robert Smith

TARGET DECISION DATE: 27/05/2022

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse permission

The application is being referred to the Planning Committee for determination as it is considered to be a balanced decision (the development would be considered to benefit the rural economy, but would be harmful to the setting of a nearby heritage asset).

Description:

The Farm is located on the south western edge of Stainton by Langworth and comprises a number of mainly modern steel portal framed agricultural buildings, or re-clad older buildings to the north and west of the Grade II Listed Church of St John the Baptist. Church Farm House is located to the south east of the Church. To the north and west of the Church in particular there are a number of old and modern agricultural buildings including two agricultural buildings directly to the north of the church and two directly to the west (a manege has been granted under application 143416 to the west of one of these two buildings). The farm has an in and out access comprising an access off Church Lane and another access off Stainton Lane which comprises an un-made track to the south of the Church Farm House and the church yard which then goes around the western boundary of the church yard to the buildings described above.

The application seeks permission to erect a general storage agricultural building located on a 607 hectare agricultural unit. The building will be sited to the south west of the Church (approximately 75 metres away) and church yard (approximately 33 metres away), immediately to the south of the manege. The closest existing agricultural building is located approximately 17 metres to the north east. There is a gap of approximately 30.5 metres between the front of the building and the access to the east, this area will presumably be given over to hardstanding for storage and a turning area.

The proposed agricultural building will be approximately 24.1 metres in length and 16.15 metres in width and a maximum height of approximately 7.46 metres. The building will be constructed from pre-cast concrete panels (grey) at the bottom up to 3 metres in height, with juniper green metal sheeting above. The entrance door in the east elevation will be metal and the roof will be fibre cement (grey).

Relevant history:

144241 - Application for prior notification to erect steel framed building for storage of farm materials. Prior Approval Refused/ Full Planning Permission Required 03/02/2022:

'It is considered that the location of the proposed building would have a detrimental impact on the setting of the Grade II Listed Church. In terms of listed buildings, the setting is not just defined as the curtilage or what can be seen from the listed building but should take account the view of the listed building in relation to the new development as seen from other positions.

The most important view of the church is from the south and south east from Stainton Lane and to a lesser extent from Langworth Road. It is considered that the location of the proposed building would have a detrimental impact on the setting of the Grade II Listed Church as it is located to the south of the main cluster of farm buildings to the north and beyond the southern boundary of the church yard. The applicant was offered the opportunity to move the proposed building elsewhere on the agricultural unit but no agreement could be reached. It is therefore considered that the siting of the proposed building is not acceptable.

The proposal would therefore not be permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended), as it does not comply with the criteria outlined in Schedule 2, Part 6, Class A, Section A.2. Paragraph (2) (d) (i).'

143416 - Planning application for change of use from an area of hard standing to an equestrian manege/exercise area. Granted 14/12/2021 [to the north of the current application site].

139307 - Application for prior notification for erection of agricultural machinery store. Prior approval required and granted 01/05/2019 [to the north east of the current application site].

127927 – Agricultural Determination for proposed agricultural shed to replace existing steel silos. Prior approval not required 25/11/2011 [to the north east of the current application site].

97/P/0044 – Use of land to park one HG vehicle and up to two trailers with movement only between 6.45am and 8.00pm. Refused 28/05/1997 [to the north east of the current application site].

96/P/0434 – Planning application to use land to park one HG vehicle and up to two trailers. Granted 01/11/1996 [to the north east of the current application site].

Representations:

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

Parish Council: Unanimously in favour.

Chair of St John the Baptist PCC: I write as the Chair of St John the Baptist, Stainton by Langworth PCC. The PCC of St John the Baptist has no objection to this proposal. The church continues to function as a place of worship on Sundays, and is available for weddings, funerals and baptisms for which shared public access and parking is necessary.

Local Residents: The Old Vicarage, Church Lane, Stainton By Langworth - A previous application (144241) was made for a building in the same place, and that was refused. The siting of the building hasn't changed, therefore nothing should have changed with regards to approving the application. There is a comment in the supporting documentation relating to building 333 having permission. Looking at the site plan, building 333 shouldn't have been passed. However, that doesn't mean the proposed building should be passed. Two wrongs don't make a right.

Church Farm House, Church Lane, Stainton By Langworth - I agree entirely with the comments of the conservation officer. The setting of the church should be maintained and not further eroded by ribbon growth of the farm buildings around the graveyard. The church is an important part of the community hosting weddings funerals and regular worship. The historic building setting is important to preserve in its original context with views to the south and west preserved as much as possible. There is no reason why any additional farm buildings needed cannot be placed to the rear of the existing sheds thus preserving the setting of the church.

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.

Archaeology: No archaeological input required.

Conservation: The proposed agricultural storage building would be located to the southwest of the listed building. This is beyond the existing main cluster of farm buildings. The building would provide approximately 288 square metres of general agricultural storage. An area of hardstanding would presumably be required for the new building although there is no information about this in the application. The building would be clad in juniper green metal sheeting with a

natural grey sheeting for the roof. This is a typical approach to modern agricultural buildings and would match the existing modern agricultural buildings to the north of the site. The building would undoubtedly be visible in the landscape from public and private vantage points. The scale and height of the proposed building would be a prominent feature within the setting of the listed building.

There is a clear visual connection between the listed building and the application site which forms part of its setting. The setting of the listed building is not just defined as the curtilage or what can be seen from the listed building but should take account of the view of the listed building in relation to the new development as seen from other positions. The most important view of the church is from the south and southeast from Stainton Lane and to a lesser extent from Langworth Road. The new agricultural storage building would be visible on approach views to the listed building and from views within its curtilage. The open landscape that was originally around the church has previously been eroded in part by other farm buildings. The remaining openness of the setting of the listed building are desirable to preserve. Overall, there would be a cumulative impact from the existing and proposed agricultural building which would harm the setting of the listed building and the way it is appreciated. The harm is considered to be less than substantial.

Where there is harm, there should be clear and convincing justification for that harm and a balanced judgment must be made as to whether the public benefits would outweigh that harm. Guidance about public benefits for this purpose is set out in the Historic Environment Chapter of the PPG. This refers to anything which delivers the economic, social or environmental objectives of sustainable development. The PPG makes clear that the public benefits must flow from the development and must be of a nature or scale that would benefit the public at large.

The applicant has submitted evidence that other sites have been considered but have been assessed by the applicant as not being feasible due to a number of reasons including highway issues and solar panels. The applicant has not demonstrated any public benefits from the proposed development. Therefore, unless further information is submitted for consideration, it is recommended that planning permission is refused.

LCC Minerals and Waste: No representations received to date.

Environment Agency: The Environment Agency does not wish to make any comments on this application.

National Grid Plant Protection: No representations received to date.

Health & 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.

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. The details HSE have on record for these pipelines is as follows:

- 4140921_ EDF Energy Ltd Grayingham Offtake to West Burton B Power Station
- 4455752_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

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) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

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

LP13: Accessibility and Transport

LP14: Managing Water Resources and Flood Risk

LP17: Landscape, Townscape and Views

LP25: The Historic Environment

LP26: Design and Amenity

LP55: Development in the 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. 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. LP25 is consistent with chapter 16 of the NPPF as they both seek to conserve and enhance the historic 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:

The 1st Consultation Draft (Reg18) of the Local Plan was published in June 2021, and was subject to public consultation. Following a review of the public response, the Proposed Submission (Reg19) draft of the Local Plan has been

published (16th March) - and this is now subject to a further round of public consultation (expiring 9th May 2022). 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 Draft Plan may be a material consideration, where its policies are relevant. Applying paragraph 48 of the NPPF (above), the decision maker may give some weight to the Reg19 Plan (as the 2nd draft) where its policies are relevant, but this is still limited whilst consultation is taking place and the extent to which there may still be unresolved objections is currently unknown

<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 otherwise be taken into consideration.

Lincolnshire Minerals and Waste Plan

The Core Strategy & Development Management policies (CSDMP) were adopted in June 2016 and form part of the Development Plan. The application site is within a Mineral Safeguarding Area (MSA). Policy M11 applies.

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

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>

Listed Building Legal Duty

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

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

Main Issues:

- Principle of Development
- Listed Building
- Impact on Neighbouring Properties
- Impact on the Countryside
- Other Matters

Assessment:

Principle of Development

The site is part of a 607 hectare agricultural unit with the proposed agricultural storage building located to the south west of other agricultural buildings. Policy LP55 (Part E) states that proposals for non-residential development in the open countryside will be supported provided that the rural location of the enterprise is justifiable to maintain or enhance the rural economy.

The applicant's supporting statement sets out the following:

"Church Farm is the farmstead for 1,500 acres producing 2,000 tons of wheat, 600 tons of barley, 250 tons of oilseed rape, 240 tons of beans, 130 tons of dried peas, 70 tons of linseed, 3,300 tons of dry crop produce and around 600 tons of straw for energy production. It includes some 13,600sq.ft of storage buildings at present. Based on the average tonnage grown this shows a shortfall of 3,000 sq.ft. of useable building which the current planning application seeks to rectify and hopefully provide some slight leeway for the future. It is also a fact that there is a current expansion in the variety of crops grown and segregation of storage is increasingly required."

It is considered that, as a working farm, the proposed building would be alongside established agricultural buildings and would at least maintain, if not enhance, the rural economy. It would be compliant with policy LP55.

However, the development would be deemed to take place within the setting of a Grade II Listed Building. Policy LP25 is engaged, and the Council is placed under a general duty to 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”* when discharging its planning functions.

Listed Building

The application seeks permission to erect a general storage agricultural building which will be sited approximately 75 metres to the south west of the Grade II Listed Church of St John the Baptist and approximately 33 metres to the south west of the church yard.

S.66 of the Listed Buildings Act 1990 places a legislative requirement that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Paragraph 202 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset [including its setting], this harm should be weighed against the public benefits of the proposal.

Policy LP25 of the Central Lincolnshire Local Plan states that *‘Development proposals that affect the setting of a Listed Building will be supported where they preserve or better reveal the significance of the Listed Building.*

The setting of the listed building is not just defined as the curtilage or what can be seen from the listed building but should take account of the view of the listed building in relation to the new development as seen from other positions. Planning Practice Guidance (Paragraph: 013 Reference ID: 18a-013-20190723) states that

‘All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not. The setting of a heritage asset and the asset’s curtilage may not have the same extent.

The extent and importance of setting is often expressed by reference to the visual relationship between the asset and the proposed development and associated visual/physical considerations. Although views of or from an asset will play an important part in the assessment of impacts on setting, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust, smell and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other

may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights of way or an ability to otherwise access or experience that setting. The contribution may vary over time.

When assessing any application which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change.'

The site is located in a prominent location with a good proportion of the building located beyond the southern boundary of the churchyard and to the south of the main cluster of farm buildings and would therefore be very perceptible in the landscape when viewed from the south east from Stainton Lane in particular and from the south and south west from Scothern Lane/Langworth Road.

There is a clear visual connection between the listed Church and the application site which forms part of its setting with the open landscape that was originally around the church having been previously eroded in part by other farm buildings. Whilst it is recognised that there are existing buildings within this setting, it is considered that harm does arise from these buildings, that will cumulatively be increased as a result of the proposed development. As the above quoted guidance states, *“local planning authorities may need to consider the implications of cumulative change.”*

The remaining openness of the setting of the listed building is desirable to preserve, with the proposal creating a further cumulative impact which would harm the setting of the listed building and the way it is appreciated.

In this case the public benefits of the proposal are limited to the wider benefits to the rural economy, and these would not outweigh the harm caused to the significance of the Listed Building by further impacting on the setting of the Listed Building contrary to S.66 of the Listed Buildings Act 1990, the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.

The applicant has been asked to consider alternative locations for the building – ideally to the west, and behind the existing buildings, whereupon it would be screened and have a lesser impact on the church setting. The applicant has dismissed these in the supporting statement to this application as being unfeasible for the following reasons (See related map below):

Area 1 - The area is too small and for development to take place the existing (10 years unexpired) agreement for the solar panels would have to be bought out (if it could be). There is also the problem of relocating the vehicle wash facility.

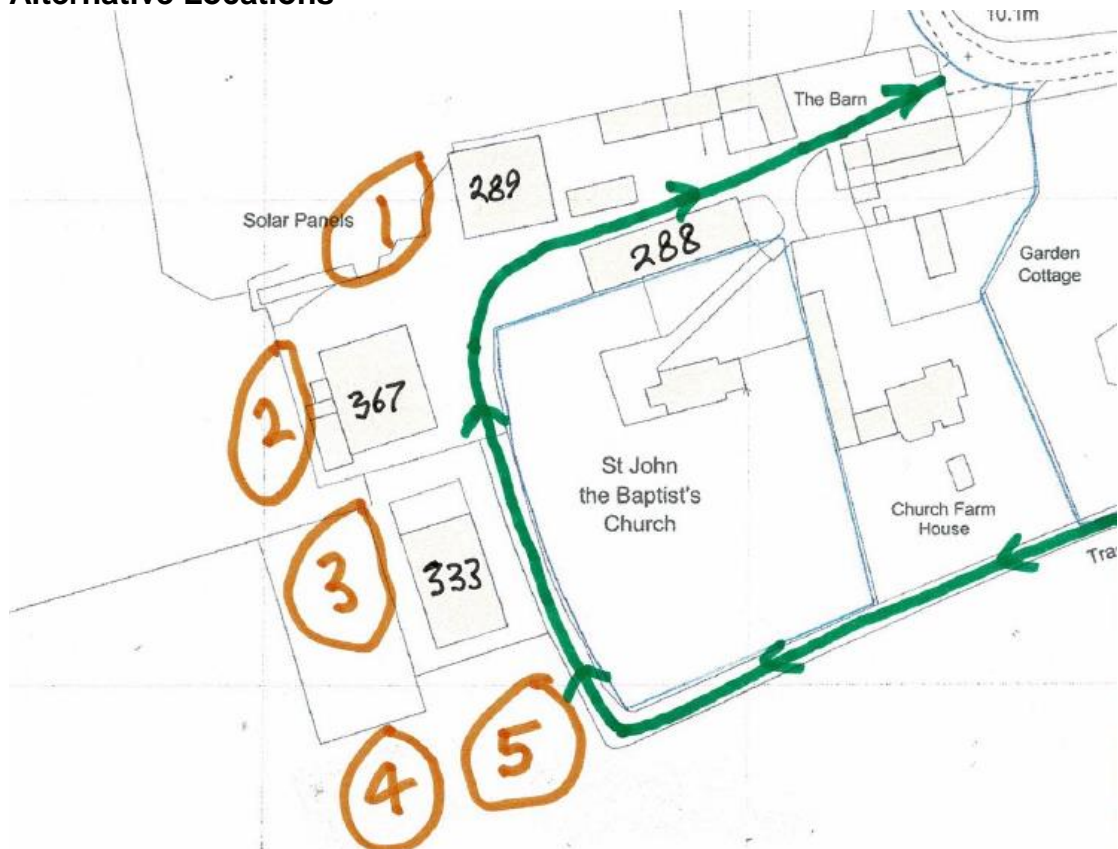
Area 2 - Access would not be possible without demolishing the stables and even then it would involve turning/reversing unless a large concrete hard standing was provided as well. Briefly, development of this area would destroy the one-way system operation.

Area 3 - This is the manege and again development of the northern end would impinge on the traffic system. Development of the southern end would be similarly unhelpful though lorries could be reversed which would be a lot less than ideal. The fact also is that the manege costed a lot of money and this would all be wasted if the new building destroyed it.

Area 4 - This is the suggested siting and it fits properly with the traffic system by leaving an open area east of it and lorries could use this to park etc.

Area 5 - From a business point of view this would destroy use of the current site for no apparent gain. The area is also a helpful "safety valve" by allowing outside straw bale storage at crucial times.

Alternative Locations



It is considered that Area 3 would remain preferable. It is acknowledged that it would result in cost to the applicant, who would need to relocate the manege, however, this isn't considered to outweigh the harm that would arise from placing the building within the Listed Building Setting, creating a further cumulative impact by further encroaching on the setting of the Listed Church.

Impact on Neighbouring Properties

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, noise, loss of light or over dominance.

The nearest neighbouring dwelling (Church Farm House, Church Lane) is located approximately 112 metres to the north east of the application site with boundary treatments and a church yard in between the proposal site and this neighbouring dwelling. It is therefore considered that the proposal will not have an adverse impact on the residential amenity of neighbouring residential properties.

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

Impact on the Countryside

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.

Local Plan Policy LP26 states that all development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they are well designed in relation to siting, height, scale, massing and form. The policy also states that the proposal should respect the existing topography, landscape character, street scene 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.

Paragraph 174 of the NPPF states planning policies and decisions should recognise the intrinsic character and beauty of the countryside.

The proposed agricultural building is located in a prominent location with a good proportion of the building located beyond the southern boundary of the churchyard and to the south of the main cluster of farm buildings and would therefore be very perceptible in the landscape when viewed from the south east from Stainton Lane in particular and from the south and south west from Scothern Lane/Langworth Road

It is therefore considered that the proposed building will visually harm the open and undeveloped character of this countryside location contrary to the NPPF and Policy LP17 and LP26 of the Central Lincolnshire Local Plan.

Other matters:

Flood Risk

According to the following government website (Flood Map for Planning) the site is located within Flood Zone 1;

<https://flood-map-for-planning.service.gov.uk/>

Minerals and Waste

The application site is located in the countryside to the south of existing agricultural buildings and a manege. A sand and gravel extraction company would not be interested in extracting from this site for the following reasons:

- a) The site is small in scale and is close to existing agricultural buildings and a manege and the noise, dust and vibration nuisance would be too great.
- b) The owner of the land would not be willing to make the land available for mineral extraction and the other nearby residents would not find a quarry an acceptable neighbour to their houses.
- c) In view of the above it is highly unlikely that planning permission would be granted for this use in this location.

Lincolnshire County Council Minerals and Waste have been consulted but have made no comments or objections on this application. Although a Minerals Assessment has not been submitted it is considered in this case that the development would have a negligible impact on a Minerals Resource.

Pipelines:

If it was minded to grant permission a note to the applicant would be added to the decision notice following comments made by the Health & Safety Executive in regards to nearby pipelines.

Recommendation: Refuse planning permission for the following reasons:

The proposal has been considered against policy 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, LP25: The Historic Environment, LP26: Design and Amenity and LP55: Development in the Countryside of the Central Lincolnshire Local Plan in the first instance and Policy M11 of the Lincolnshire Minerals and Waste Plan and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

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. The public benefits of the proposal are limited, and would not outweigh the harm caused to the significance of the Listed Building by further impacting on the setting of the Listed Building contrary to S.66 of the Listed Buildings Act 1990, the NPPF and Policy LP25 of the Central Lincolnshire Local Plan.
2. The proposed building will visually harm the open and undeveloped character of this countryside location 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.