

Officers Report

Planning Application No: 147489

PROPOSAL: Planning application to erect 1no. dwelling and garage including demolition of agricultural building following Class Q approval 146756

LOCATION: Land adjacent Wishing Well Barn, Hardwick Lane, Hardwick LN1 2PW

WARD: Saxilby

WARD MEMBER(S): Cllr Mrs J Brockway & Cllr P M Lee

APPLICANT NAME: Mr E Isles

TARGET DECISION DATE: 21/12/2023

DEVELOPMENT TYPE: Full Planning Application

CASE OFFICER: Dan Galpin

RECOMMENDED DECISION: Grant (subject to conditions)

This application has been referred to the Planning Committee as it would be a departure from Policy S1 (The Spatial Strategy and Settlement Hierarchy) and Policy S5 (Development in the Countryside) of the Central Lincolnshire Local Plan.

Description: The application site is situated on a former farmstead/agricultural unit in open countryside approximately 2.5 kilometres to the west of Saxilby and approximately seven kilometres to the north-west of Lincoln. The wider site is occupied by an existing dwelling to the north-west at the entrance to the site. The site is located within Flood Zone 1 which is considered to be at the lowest risk of flooding.

To the south-west of the site there are a number of agricultural buildings, two of which have been given permission for their demolition alongside the change of use for the former commercial building into a single dwelling.

Planning permission is being sought for the demolition of the existing agricultural building (Well Wishing Barn) and for the erection of a single dwelling. Well Wishing Barn was previously granted planning permission for the change of use from its current agricultural use to a single dwelling under the provisions of Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Relevant history:

146756 – Prior approval change of use from agricultural building to 1no. dwelling house. GC – 7th July 2023

146692 – Planning application for the change of use from flexible business use to 1no. residential dwelling including the removal of 2no. agricultural steel sheds.

Representations:

Chairman/Ward Member(s)

No representations received to date.

Hardwick Parish Council

No reply received to date.

Local Residents

No representations received to date.

LCC Archaeology

No objection – It was noted that although the HER record indicates that the site is of a possible medieval origin, there has been significant disturbance on the site and via 19th century development and subsequent modern development. Therefore, no archaeological mitigation has been requested.

LCC Highways/Lead Local Flood Authority

No objection – *‘The proposal is for erect 1no. dwelling and garage including demolition of agricultural building and it does not have an impact on the Public Highway or Surface Water Flood Risk.’*

Lincolnshire County Council – Minerals and Waste

No reply received to date.

Witham Third District – Internal Drainage Board (IDB)

No objection (condition) – no objection was raised by the IDB subject to one pre-commencement condition relating to surface water drainage in consultation with the IDB and should include the necessary details on soakaways, mains sewers and discharge into a watercourse.

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 (CLLP) (adopted in April

2023); and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- **Central Lincolnshire Local Plan (Adopted April 2023)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S2: Growth Levels and Distribution

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S7: Reducing Energy Consumption – Residential Development

Policy NS18: Electric Vehicle Charging

Policy S21: Flood Risk and Water Resources

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S56: Development on Land Affected by Contamination

Policy S57: The Historic Environment

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

- **Lincolnshire Minerals and Waste Local Plan (LMWLP) (Adopted June 2016)**

The site is/is not in a Sand & Gravel Minerals Safeguarding Area and Policy M11 of the Core Strategy applies/does not apply.

National Policy & Guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance**
- **National Design Guide (2019)**
- **National Model Design Code (2021)**

Main issues

- Principle of Development
- Visual Amenity
- Residential Amenity
- Highways
- Archaeology
- Ecology & Biodiversity
- Climate Change
- Flood Risk
- Other Matters

Assessment:

Principle of Development

Policy S1 of the CLLP establishes a settlement hierarchy which aims to steer development towards the largest urban areas in Central Lincolnshire with development elsewhere being proportionate and primarily constrained to sites with the developed footprint of settlements that are within appropriate locations. Tier 8 of Policy S1 relates to development in the countryside and states the following:

'Unless allowed by:

- a) policy in any of the levels 1-7 above; or*
- b) any other policy in the Local Plan (such as Policies S4, S5, S34, or S43) or a relevant policy in a neighbourhood plan, 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;*
 - delivery of infrastructure;*
 - renewable energy generation; and*
 - minerals or waste development in accordance with separate Minerals and Waste Local Development Documents.'*

Given the countryside location of the proposed development, the principle of the proposed development falls to Policy S5 of the CLLP which relates to development in the countryside. Whilst the principles outlined above do not list residential development as an acceptable form of development, it defers judgement of development proposals to the criteria within Policy S5 in terms of the appropriateness residential development in the countryside. Part D of Policy S5 relates the new development of new dwellings in the countryside which states the following:

- 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 commercial viability 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 needs of the enterprise*

The proposed development being considered is for the erection of a new single market dwelling in the countryside. It has been conceded by the

applicant that the proposed development is not essential for an agricultural worker and would be a new market dwelling. Therefore, it is considered that the proposed development would be in conflict with Policy S1 and S5 of the CLLP. There is no disagreement on this matter between the Local Planning Authority and the applicant.

Class Q Fallback

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that planning applications are determined in accordance with the relevant policies in the development plan unless material considerations indicate otherwise. In most cases, a development being in conflict with Policies S1 and S5 of the CLLP would substantiate the application being refused. However, it is considered in this instance that there are material considerations that indicate otherwise that planning permission should be granted despite the conflict with the above development plan policies.

The argument in favour of the proposed development hinges on whether there is a '*real prospect*' of a permitted development fallback and whether this fallback position should be afforded sufficient weight to outweigh the conflict with Part D of Policy S5 that has been outlined above. A commonly cited piece of case law is that of [Mansell v Tonbridge and Malling Borough Council \[2017\] EWCA Civ 1314](#) which ruled on the matter '*real prospects*' and whether this is a material planning consideration in favour of granting planning permission where a development is in contrast to relevant policies in the development plan. A real prospect does not have to be likely, a possibility is enough to justify a real prospect.

However, this is often argued as a blank cheque for granting planning permission in the face of policy conflict where a fallback position exists. Like any planning application, it should be determined in accordance, first and foremost in accordance with the development plan. In addition, a fallback position is not the only material consideration in an application; in all applications, the NPPF and Planning Practice Guidance (PPG) are or may be very important material planning considerations. This matter can be clarified by citing an appeal decision at Roundabout Farm Roughton, Shropshire¹ which explicitly states that in order for significant weight to be afforded to a fallback position, there has to both be a real prospect of a fallback position and this fallback position has to be **equal to or more harmful** than the development being proposed. Therefore, the remainder of this section will establish whether a real prospect exists and whether this is sufficient to outweigh the policy conflict outlined above.

Does the fallback position exist?

¹ <https://shropshire.gov.uk/committee-services/documents/s34512/Appeal%20decision%202022-01124-FUL.pdf>

Firstly, it is considered that a real prospect of a fallback position exists and this is a material consideration in favour of granting planning permission. The site has an extant prior approval (146756) for the change of use from the existing agricultural building into a single dwelling. This is extant until 2026 and subject to compliance with the relevant conditions, there are no barriers to this being implemented. It is therefore considered that a real prospect of a fallback position exists and were planning permission to be refused, it is very likely that this fallback position would be implemented. As such, the remaining consideration is whether this scheme is equal to or more harmful than the current proposal being considered.

Planning Harm?

The appeal decision referenced above included several considerations, most notably, the harm to Green Belt, the appropriateness of the location and the impact on the character and appearance of the area. The NPPF makes it clear that any inappropriate development on Green Belt is by definition, harmful unless very special circumstances can be demonstrated. In this instance, other than the proposed development being located in the countryside, there are no significant constraints on planning permission being granted. Furthermore, every application should be granted on its own merits and granting planning permission for this application should not provide a justification for the erection of new dwellings that have no connection (or even a tentative one to an existing building or extant planning consents. The prior approval was for the change of use to a dwelling and this proposal is for the erection of a new dwelling. With the possible exception of any technical material considerations that can arise with a development proposal on this site, it is considered that in terms of the 'harm' that can be attributed, there is no material difference between this scheme and the fallback position. On the contrary, it is possible to argue that there is a planning betterment to the current development being proposed.

To elaborate more on this matter, another principle consideration is Policy S11 of the CLLP which outlines a presumption against demolition unless one of the following can be demonstrated:

- 1. the building proposed for demolition is in a state of such disrepair that it is not practical or viable to be repaired, refurbished, re-used, or re-purposed; or*
- 2. repairing, refurbishing, re-using, or re-purposing the building would likely result in similar or higher newly generated embodied carbon than if the building is demolished and a new building is constructed; or*
- 3. repairing, refurbishing, re-using, or re-purposing the building would create a building with such poor thermal efficiency that on a whole life cycle basis (i.e. embodied carbon and in-use carbon emissions) would mean a lower net carbon solution would arise from demolition and re-build; or*
- 4. demolition of the building and construction of a new building would, on an exceptional basis, deliver other significant public benefits that*

outweigh the carbon savings which would arise from the building being repaired, refurbished, re-used, or re-purposed.

It will be demonstrated in this report that the design and thermal efficiency of the dwelling proposed are of a very high standard. The total energy demand of the dwelling proposed is three times lower than the maximum total energy demand permitted by Policy S7 and is nearly half that of the target figure of 35 kwh/m²/yr. The proposed development would also include 19 solar panels, air source heat pumps for heating and two electric vehicle charging points. Paragraphs 157, 160, 163 and 164 and give significant weight to both the benefits of renewable energy and the need to transition to a low carbon economy. The proposed development would have an air tightness of 1 and would also meet its own energy demands. By contrast, the thermal efficiency of the fallback position would be average at best. Although it is possible to improve the thermal efficiency of existing buildings, the baseline of thermal efficiency of the existing agricultural building is likely very low in comparison to what the new dwelling would achieve. This is demonstrated by the total energy demand of the proposed dwelling and a form factor of 1.18.

The material specification is aluminium windows, zinc roof sheeting and timber cladding. This material specification is considered to be sustainable due to the longevity of such materials where metal roofing can have a lifespan of 50 years or more and both timber and elemental resources are both renewable/reusable. Furthermore, it is considered that the proposed development would achieve a very high standard of design in terms of the scale, form and external appearance. The footprint of the proposed development is notable at approximately 330 square metres but it achieves a degree of subservience to the wider site and complements the type of ultra-low-density development that would be expected of the site. The material specification is also of a very high quality and achieves an external appearance that respects both contemporary development and agricultural architectural styles.

For these reasons, it is considered that the proposed development would achieve a material improvement both in terms of design and energy efficiency. Therefore, in accordance with the above assessment, whilst the proposed development would not accord with Part D of Policy S5, it is considered that there is a real prospect of a fallback that would have a design and thermal efficiency which are not as desirable as the development proposal. Significant weight is afforded to this matter and this is considered to be sufficient to outweigh the harm caused by the development departing from the requirements of Policies S1 and S5 of the CLLP.

Visual Amenity

Policy S53 of the CLLP requires 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 which demonstrates a sound understanding on their context. 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. Important views into, out of and through a site should also be safeguarded.

The proposed development would have a total footprint of approximately 330 square metres (not including the detached garage) and would have a ridge height of approximately 8.5 metres and an eaves height of 3.7 metres. The finish and external materials have been outlined in the previous section of this report and are considered to be acceptable and would achieve a high standard of design. The scale, height and form of the proposed development would be subservient to the largest detached dwelling to the west and would achieve a design and character that represents a positive combination of contemporary architecture and rural agricultural development.

It is considered that the proposed development has been designed to have a sound understanding of its context and would be in keeping with the prevailing character and appearance of the area whilst raising the standard of design more generally. This is not just in terms of its external appearance but also high-quality materials, form, and thermal efficiency. The proposed development would also preserve and enhance the rural setting of the site and preserve the openness of the landscape character.

For the reasons explained above, it is considered that the proposed development is in accordance with Policy S53 of the CLLP and Section 12 of the NPPF.

Residential Amenity

Policy S53 of the CLLP requires that development proposals do not have an unacceptable impact on residential amenity. This includes considerations such as compatibility with neighbouring land uses, noise, vibration, odour, and the creation of safe environments amongst other things. Furthermore, paragraph 135 f) of the NPPF requires that development proposals provide a high standard of residential amenity for both existing and future users.

The proposed development would not be located directly adjacent to any existing dwelling. The wider site consists of the proposed development, a single dwelling that was granted planning permission via a change of use earlier in 2023 (146692) and an existing detached dwelling to the north-west. With the cessation of agricultural activity on the wider site, the remaining development on the site would be of a very low-density form of development and would afford a higher standard of privacy than a typical residential dwelling. Therefore, it is considered that the proposed development would not unacceptably harm the residential amenity of existing and future users of the adjacent dwellings.

There are a number of dwellings intermittently spaced along the access track which runs north towards Hardwick and forms a junction with Sykes Lane approximately two kilometres to the north of the site.

The proposed development would have an internal footprint of 330 square metres on each floor in addition to the detached garage and would therefore achieve significantly exceed the requirements of the [national space standards](#) which are a material planning consideration in residential development proposals.

As such, it is considered that the proposed development would accord with Policy S53 of the CLLP and paragraph 135 f) of the NPPF. This is subject to the imposition of one condition requiring that a scheme of external lighting is submitted to the Local Planning Authority in the event that any additional lighting is installed on the dwelling beyond what is already proposed. This is due to the remote location of the site. The immediate surroundings will be naturally dark at night and inappropriate lighting can become an amenity issue as well as a character and appearance concern.

Highways

Policies S47, S48 and S49 collectively require that development proposals do not have an unacceptable impact on highway safety or a severe cumulative impact on the wider highway network. Policy S48 requires that development proposals should facilitate active travel. It also requires that first priority should be given to pedestrians, cyclists, and people with impaired mobility. Policy S49 of the CLLP sets out minimum parking standards that are required for residential and non-residential development within Central Lincolnshire.

Paragraph 96 of the NPPF supports development proposals that allow for the creation of healthy and safe places. This is reinforced by paragraph 114 of the NPPF which requires that development proposals provide safe and suitable access to all users. Paragraph 115 of the NPPF in turn states that development proposals can only be refused on highways grounds where there is an unacceptable impact on highway safety, or the wider cumulative impact would be severe.

No objection has been received from the Local Highway Authority who noted that the proposal for the demolition of the existing agricultural building and the erection of one dwelling would not have an unacceptable impact on highway safety.

The theoretical vehicular movements from the existing permitted agricultural use would also be greater than the cumulative impact from a single dwelling. Furthermore, due to the presence of a real prospect of a permitted development fall-back for the change of use from an existing agricultural building to a single dwelling, the relative difference in vehicular movements between the fall-back and the proposed development is essentially the same.

In respect of the above, it is considered that the proposed development would accord with Policies S47 and S49 of the CLLP and paragraphs 96, 114 and 115 of the NPPF.

Archaeology

Policy S57 of the CLLP requires that development proposals should take opportunities to protect and where possible, enhance the significance of heritage assets. Appropriate assessment proportional to the significance of a potential heritage asset should be submitted and where this is still sufficient, appropriate intrusive and non-intrusive mitigation should be undertaken. Similar guidance is also contained within paragraph 211 of the NPPF.

It has been noted by the Historic Environment Officer at Lincolnshire County Council that the HER outlines that the site is of possible medieval origin. However, due to significant disturbance on the site both from development in the 19th century and subsequent contemporary development, no archaeological input or mitigation would be required. It is therefore considered that the proposed development would not be contrary to the requirements of Policy S57 of the CLLP and paragraph 211 of the NPPF.

Ecology & Biodiversity

Policies S60 and S61 of the CLLP requires that development proposals do not have an unacceptable impact on ecology or biodiversity and should take opportunities to provide a net gain in biodiversity wherever possible. These requirements are also contained within paragraph 180 of the NPPF. Paragraph 186 states further that where there is significant harm to biodiversity would arise planning permission should be refused.

There are no concerns with respect to the change of use as it is located on previously developed land and the existing barn is generally in a good structural condition. The only aspect that requires any detailed consideration is the demolition of the barns. In this instance, the Planning Practice Guidance is relevant and states the following:

'Bats in buildings

Construction, demolition, extension or conversion proposals could affect a bat roost in a building or barn. You should ask for a survey where roosts are likely if the building or barn:

- *has little or no disturbance from artificial lighting*
- *is close to woodland or water*
- *has uneven roof tiles and large roof timbers*
- *has cracks, crevices and small openings*
- *has a roof that warms in the sun with a large roof space for flying*
- *has hanging tiles or timber cladding on south-facing walls and has not been used for several years*

The agent has also provided the following information:

'The site is lit during evening periods, there are no trees, woodland or expansive areas of water on site. There are no roof tiles nor timbers. There are some small openings but given the lack of features for roosting (usually

within roof timbers or masonry crevices) it is not considered likely that bats are present on site. There are no hanging tiles or timber cladding, and the site has not been disused for several years.'

It is unclear to what degree the site is lit in the evenings given its vacant state but there are at least two dwellings on the wider site (discussed previously). The barn also appeared to be in good condition during my site visit so there does not appear to be an opportunity for bats to enter the agricultural buildings. The barn is also not constructed from timber. Foss Dyke is located to the west of the application site but it is not a large open body of water and the site is not located near woodland.

Wild birds

In relation to development proposal that have the potential to impact wild birds, the following guidance from the PPG is relevant:

'You should also ask for a survey if a development proposal affects:

- *natural habitats, such as wetland, woodland, scrub, meadow or moorland*
- *mature gardens*
- *trees that are more than 100 years old*
- *trees that have holes, cracks and cavities*
- *trees that are more than 1 metre around at chest height*
- *buildings that could support nesting birds, such as agricultural buildings*
- *cliff or rock faces*

Although the building is agricultural in nature, it is not a traditional barn that has any particular historic or architectural merit and therefore, it was not apparent on-site that there would be any opportunity for wild birds to establish nests on-site. Furthermore, the site is located in an open agricultural landscape with no trees within 100 metres of the site and only small patches of trees beyond. There are no established habitats such as wetlands, meadows, moorland, cliff or rock faces that would provide opportunities for wild birds.

The requirements of Policy S61 of the CLLP are also not considered to be relevant in this instance as the application relates to demolition of an existing agricultural building and the erection of a new self-building dwelling which is exempt from Biodiversity Net Gain considerations.

It is therefore considered that the proposed development is in accordance with S60 and S61 of the CLLP and paragraph 180 of the NPPF.

Climate Change

The new CLLP takes a progressive and innovative approach by setting specific standards that are required by new residential and non-residential development in relation to site average space heating demand and total

energy demand. Policy S6 of the CLLP provides an overarching set of design principles for efficient buildings. Policy S7 requires that all new non-residential buildings are accompanied by an Energy Statement and are required to meet the following criteria:

- 1. Can generate at least the same amount of renewable electricity on-site (and preferably on-plot) as the electricity they demand over the course of a year, such demand including all energy use (regulated and unregulated), calculated using a methodology proven to accurately predict a building's actual energy performance; and*
- 2. To help achieve point 1 above, target achieving a site average space heating demand of around 15-20kWh/m²/yr and a site average total energy demand of 35 kWh/m²/yr, achieved through a 'fabric first' approach to construction. No single dwelling unit to have a total energy demand in excess of 60 kWh/m²/yr, irrespective of amount of on-site renewable energy production. (For the avoidance of doubt, 'total energy demand' means the amount of energy used as measured by the metering of that home, with no deduction for renewable energy generated on site).*

Ultimately, an Energy Statement should be provided demonstrating a level of compliance or consideration of these requirements. There is a specific format in which this must be completed that is set out in [Supplementary Planning Documents and Guidance Notes | Central Lincolnshire Local Plan \(n-kesteven.gov.uk\)](https://www.n-kesteven.gov.uk/Supplementary-Planning-Documents-and-Guidance-Notes-Central-Lincolnshire-Local-Plan).

The submitted Energy Statement confirms that the proposed development would achieve an average space heating demand of nine kWh/m²/yr and a total energy demand of 19 kWh/m²/yr which is significantly below the target total energy demand of 35 kWh/m²/yr and even further below the maximum permitted total energy demand of 60 kWh/m²/yr.

The figures outlined above would represent an exceptionally high level of energy efficiency which is achieved by the dwelling having an overall form factor of 1.18 and an air tightness of 1.0m³/hm². The building envelope enables the proposed development a level of energy efficiency that is close to passive house standard by utilising a built form which is design to minimise heat loss and thermal bridging. These figures in combination with the submitted u-values are considered to represent a very high standard of energy efficiency and exceed the requirements of the second criteria outlined above.

To the help meet the first criteria, it is proposed to install 19 solar panels with a total output of 380 watts. This would meet the total energy demand outlined above and experience with similar single dwelling applications suggests that this could potentially exceed the minimum energy requirements of the dwelling. It is proposed to utilise air-source heat pumps as opposed to natural gas and post-construction verification would be provided through 'as-built' EPC measurements. Additional weight is afforded in favour of the proposal due to the applicant proposing to install two electric vehicle charging points on the new dwelling.

In respect of the above, it is considered that the proposed development would accord with Policies S6, S7 and NS18 of the CLLP.

Flood Risk

Policy S21 of the CLLP requires that development proposals do not have an unacceptable impact on flood risk and implement appropriate mitigation (such as the use of SuDS) wherever possible. Paragraphs 159 and 167 of the NPPF respectively require that development should be diverted away from areas at the highest risk of flooding and that all development proposals should not increase the risk of flooding elsewhere.

The proposed development is located within Flood Zone 1 which is at the lowest risk of flooding. No objections have been received in respect to flood risk although one pre-commencement condition has been requested from the Witham Third District IDB. This is not in itself an unreasonable request as it is considered necessary to secure appropriate surface water drainage. However, it is not considered necessary for this condition to be prior to the commencement of the whole development.

The applicant is proposing to utilise soakaways and sustainable drainage systems to drain surface water on a site which is already covered in existing hardstanding and a fall-back position for the change of use of the existing agricultural building to a single dwelling.

There is no significant concern that positive drainage on the site cannot be achieved. It is proposed to address the discharge of foul sewage with a package treatments plan. Given the remote location of the site, this is considered to be acceptable.

One condition will be imposed but it will be a standard condition requiring the submission of a scheme of a foul sewage and surface water drainage prior to any development commencing above foundations level. Subject to this condition, it is considered that the proposed development would accord with Policy S21 of the CLLP and paragraphs 165 and 173 of the NPPF.

Other Matters:

Contamination

It has been identified on the application form that the existing agricultural building is constructed from asbestos. Asbestos is regulated by The Control of Asbestos Regulations 2012 but it is considered reasonable to impose a standard condition relating to unidentified contamination as no formal evidence of this has been provided. In addition, the site was formerly used for agricultural activity so it is not inconceivable that the site was formerly impacted by other forms of contamination.

Subject to the imposition of this one condition, it is considered that the proposed development would accord with Policy S56 of the CLLP and paragraphs 189 and 190 of the NPPF.

Mineral Safeguarding

Policy M11 of the LMWLP requires that development proposals do not result in the unnecessary sterilisation of the potential minerals reserves. Paragraph 217 of the NPPF requires that planning decisions should give great weight to the benefits of mineral extraction, including to the economy. Paragraph 218 states that development should not normally be permitted in Minerals Safeguarding Area if it might constrain future minerals development. Policy M11 of the LMWLP is consistent with the requirements of Section 17 of the NPPF and is therefore afforded full weight.

Although the application is located within a Sand and Gravel Mineral Safeguarding Area, the dwelling would be located on a site that already has a fallback position for residential development and there are also dwellings located on the same site. Therefore, the land is considered to already be sterilised from the perspective of mineral extraction.

Furthermore, the application site is located on a wider site that has already been developed so it is not considered that the proposed development would result in any further sterilisation of potential mineral reserves. The presence of other dwellings in the immediate vicinity means that it is also highly unlikely that any potential mineral reserves could be worked.

It is therefore considered that the proposed development would accord with Policy M11 of the LMWLP and Section 17 of the NPPF.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely S1: The Spatial Strategy and Settlement Hierarchy, S2: Level and Distribution of Growth, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S11: Embodied Carbon, NS18: Electric Vehicle Charging, S20: Resilient and Adaptable Design, S21: Flood Risk and Water Resources, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S56: Development on Land Affected by Contamination, S57: The Historic Environment, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan. Relevant guidance in the NPPF has also been considered.

In light of the assessment outlined in this report, it is considered that although the proposed development would be contrary to Policies S1 and S5 of the CLLP, it is considered that there is a real prospect of a fallback position which could be implemented were planning permission to be refused. This is by

virtue of the existing Well Wishing Barn having an extant permission for a prior approval change of use (146756) which is afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

It is also considered that due to the high standard of design and thermal efficiency that the proposed development would achieve, the fallback position would be more harmful in planning terms. This is afforded significant weight in favour of the proposed development and having regard for Section 38(6) of the Planning and Compulsory Purchase Act 2004, it is considered that the material planning considerations indicate that planning permission should be granted despite there being a departure from two policies in the development plan.

It is therefore recommended that planning permission is granted subject to conditions.

Conditions

Conditions stating the time by which the development must be commenced:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To conform with Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

Conditions which apply or require matters to be agreed before the development commenced:

None.

Conditions which apply or are to be observed during the course of the development:

2. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved shall be carried out in accordance with the following drawings: 101A, 102, 103 and 104, received 26th October 2023. The works shall be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

3. No development above foundations level shall take place until a scheme of foul sewage and surface water drainage has been submitted to and agreed in

writing with the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To prevent flooding and protect future residents to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan.

4. The development hereby permitted shall be carried out in accordance with the details set out in the Amended Energy Statement received 6th December 2023 unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan (2023).

5. Prior to occupation of the dwelling hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the Amended Energy Statement received 6th December 2023 and approved in writing by the Local Planning Authority.

Reason: To ensure that the development takes place in accordance with the approved details and in accordance with the provisions of Policies S6 and S7 of the Central Lincolnshire Local Plan.

6. No external lighting shall be installed on the development hereby permitted unless a scheme of external lighting is submitted to and agreed in writing with the Local Planning Authority. The development thereafter shall be carried out in strict accordance with the approved details.

Reason: To ensure that the development hereby permitted does not have an unacceptable impact on residential amenity to accordance the National Planning Policy Framework and Policy S53 of the Central Lincolnshire Local Plan.

7. If during the course of development, contamination not previously identified is found to be present on the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a method statement detailing how and when the contamination is to be dealt with has been submitted to and approved in writing by the Local Planning Authority. The contamination shall then be dealt with in accordance with the approved details.

Reason: In order to safeguard human health in accordance with the National Planning Policy Framework and Policy S56 of the Central Lincolnshire Local Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no domestic oil tanks or domestic gas tanks shall be placed within the curtilage of the dwelling(s) hereby approved.

Reason: In the interests of energy efficiency to accord with Policies S6 and S7 of the Central Lincolnshire Local Plan (Adopted 2023).

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 their private and family life, their home, and their 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.