

Officers Report

Planning Application No: WL/2024/00698

PROPOSAL: Planning application for the erection of a single storey 6-bedroom holiday let within existing walled garden

**LOCATION: MOORTOWN HOUSE FARM BRIGG ROAD MOORTOWN
MARKET RASEN LN7 6JA**

WARD: Kelsey Wold

WARD MEMBERS: Cllr P Morris

APPLICANT NAME: Mr Kerr

TARGET DECISION DATE: 06/12/2024

DEVELOPMENT TYPE: Minor – Other

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Refuse planning permission.

This application has been referred to the Planning Committee at the request of the Ward Member (Cllr P Morris).

Description:

The application site is located in the countryside and is part of the grounds of Moortown House which is a Grade II listed building with a series of curtilage listed outbuildings. The wider site includes woodland, large pond, walled garden, formal parkland and farm buildings. The application site is located within the walled garden to the north west of Moortown House. There is a Public Right of Way (SoKe/85/1) located approximately 23 metres to the north of the site.

Moortown House is currently let for holiday accommodation for up to 12 guests with the owners believed to live in the rear (northern) wing of the building. A former curtilage listed coach house close to Moortown House was given planning permission in 2021 (142186) to be converted to 1no. 6 bed dwelling (at the time of the case officers site visit, this conversion did not appear to have taken place).

The application seeks permission to erect a single storey flat sedum roofed 6-bedroom holiday let within the existing walled garden of Moortown House of which two walls remain to the north and to the east). The holiday let will be accessed off the B1434 (Brigg Road) to the north east with a metalled track leading past neighbouring dwellings (Paddock View & Erin Cottage, Brigg Road located approximately 148 metres to the north east of the Walled Garden) which becomes a gravelled track leading past agricultural buildings and onto a grass pathway (which is proposed to be stoned up) leading past the northern wall of the walled garden. 8 car parking spaces on an area of grass/scrub (which are also proposed to be stoned up) are proposed to the north of the walled garden and the building will be accessed through existing

openings in the northern wall of the walled garden. The proposed building is located close to the northern wall of the walled garden and is made up of two sections linked by an entrance building. The western section will house 6 bedrooms and en-suites and bathrooms and the eastern section will house the kitchen, living room and dining room. It is also proposed to have a kitchen garden and a terraced seating area to the east of the building with rest of the walled garden given over to a wildflower area and lawns (it is currently given over to grass). Apart from the sedum roof (zinc roof to the entrance link), the building will be timber clad or have aluminium framed glazing.

Relevant history:

146640 - Pre-application enquiry for a detached single storey holiday let Accommodation [within walled garden]. Following advice given to the current applicant on the 26/05/2023:

'It is considered that the proposal will harm the setting of the walled garden which is a curtilage listed structure and that of Moortown House itself which is Grade II Listed with no public benefits which would outweigh the harm caused to the significance of the Listed Buildings. The proposal is considered contrary to the NPPF, Policy S57 of the Central Lincolnshire Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.'

140097 - Pre-application enquiry for conversion of 3 barns to 3 dwellings and erection of 2. dwellings. Following advice given to the current applicant on the 18/02/2020:

'It is proposed to convert three existing outbuildings to three dwellings and erect two new build dwellings within a walled garden.'

'Developing the walled garden: New houses in this location would be a concern. The walled garden clearly did have other structures attached, possibly hot houses. Given that Joseph Paxton, who designed the Crystal Palace and the hothouses at Chatsworth House, I would need to know much more about the significance of the walled garden before offering any further advice.'

I would strongly advise that a historic buildings appraisal is compiled by someone who has an appropriate qualification and experience in this type of work if we are to hold any meaningful discussions about this site. The appraisal should include:

- 1. A history and development of the site;*
- 2. A plan, phased showing the ages and dates of each building or structure*
- 3. A brief description of each, noting any alterations / losses*
- 4. The original use of each building or structure,*
- 5. Any information relating to buildings or structures associated with the parkland and Joseph Paxton.*
- 6. An assessment of the significance of each building, including the exterior of Moortown House.*

Once we have this, it may be possible to consider further the request for advice.”

I would ask that these comments are addressed.

There seems to be some potential for the conversions subject to principle and heritage considerations above. The new build dwellings seem less acceptable. Further details are required regarding the principle and heritage matters. Other matters noted above should be given full consideration in any formal application.’

Moortown House to the south east:

147074 - Planning application for change of use of dwelling to create holiday let. Granted 17/11/2023.

147075 - Listed building consent for change of use of dwelling to create holiday let. Granted 17/11/2023.

147172 - Planning application for proposed alterations and extension to swimming pool enclosure and changing block. Granted 21/11/2023.

146992 - Listed building consent for proposed alterations and extension to swimming pool enclosure and changing block. Granted 21/11/2023.

Former Coach House to south east:

142186 - Planning application for the conversion of existing coach house to 1no. dwelling **[6 bed]**. Granted 22/04/2021.

‘The building can no longer be used for its original purpose as a coach house because transportation methods have changed over time. The proposal entails conversion with minimal alteration and additional openings. The building is of architectural and historic merit as a listed building. LP2 and LP55 are consistent with NPPF paragraph 170 in that they seek to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland and are given full weight.

The principle of development is acceptable.’

142187 - Listed building consent for the conversion of existing coach house to 1no. dwelling. Granted 22/04/2021.

144647 - Request for confirmation of compliance with conditions 3, 4 & 5 of listed building consent 142187 granted 22 April 2021. Granted 03/11/2022.

144658 - Request for confirmation of compliance with conditions 2,4,6,7 and 8 of planning permission 142186 granted 22 April 2021. Granted 03/11/2022.

Modern agricultural building approximately 36 metre to the north east:

147848 - Planning application to install pv panels on the west-facing roof elevations only of a steel portal framed agricultural building. Granted 28/03/2024.

Representations:

Cllr Morris (Ward Member): 08/10/2024: Tourism is now an essential part of the rural economy in a county like Lincolnshire, the owners of this business should be encouraged to expand their activities with the addition of this new building, the site is ideal because it is within the confines of the existing enclosed grounds and causes no problems for neighbours or members of the public. This is a good application, and I support it wholeheartedly.

Further Response 17/10/2024: I read the conservation officer's report yesterday and was concerned about certain aspects of his findings.

The officer makes great play of the walled gardens possible association with Sir Robert Paxton? Who is he? Does the officer mean Sir Joseph Paxton? He repeats the same mistake twice.

He cannot prove by any historical fact that these greenhouses were planned or erected by Sir Joseph Paxton, they could just have easily been erected by a jobbing builder from Brigg. I would respectfully suggest that as a responsible planning officer that you disregard those statements. I have taken the trouble to do a site visit this morning, there is just a bump in the lawn where the glasshouses originally sat, unless you had access to an old map you would never know what had been built there. I still maintain that this is a good site and a good application.

I consider all other matters finely balanced and just a matter of opinion. I would be happy for you to see if you can reach agreement with the applicant and agent over this application and approve it. Failing that, I would request that this goes to the planning committee for a decision.

South Kelsey Parish Council: I attended South Kelsey Parish Council [the Parish Clerk] last night and they will be registering a 'No Comments' reply regarding this application.

Local Residents: No representations received to date.

LCC Highways and Lead Local Flood Authority: The dimensions of the proposed access are adequate to enable 2 cars to pass in opposing directions and there is sufficient parking and turning provided within the site therefore the proposal would therefore not result in an unacceptable impact on highway safety. 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 would not be expected to have an unacceptable impact upon highway safety or a severe residual cumulative impact upon the local highway network and therefore does not wish to object to this planning application.

Archaeology: No representations received to date.

Conservation Officer: Moortown House is a grade II listed small country house built in 1816. Built in red brick with stucco, slate hipped roof with four brick stacks and overhanging eaves. The surrounding gardens to the south and west are special landscaped gardens significant to the historic interest of the listed building.

The 19th century sundial is also grade II listed which has a group value with the main dwelling.

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

The proposal is to erect holiday lets within the walled garden to the west of Moortown House.

The walled garden space, and wider landscape has been claimed to be designed by Sir Joseph Paxton in the mid-19th century. Sir Joseph Paxton was responsible for some of the greatest glass houses in Crystal Palace and Chatsworth House. However, it is suggested that this may not be the case and that the landscaping was part of the original design of the country house. The 1887 maps illustrate two large glasshouses attached to the southern elevation of the northern wall with two further buildings attached to the northern elevation. These glass houses were used for horticulture with hot water connections as noted in the 1916 sales particulars and evidence of this is noted in the walls today. Either way, the historic and architectural interest of the wider landscape to the listed building does not alter as a significant feature.

The walled garden was designed to supply the needs of the household and from the mid-18th century it was usually designed away from the main household, and sometimes concealed by a shrubbery or plantation belt (Historic England's Gardens and Parks Structures 2017). This walled garden is a typical design for the mid-19th century but is of greater historic significance due to its association with Paxton.

The walled garden is a crucial element of a wider setting of associated buildings that supported a country house, of which Moortown House is no different. This space offers a significant historic and architectural interest as part of the wider setting of the listed building.

The heritage statement acknowledges the development will cause harm to the listed building and its setting. The harm identified within the HS was less than substantial within the NPPF. I agree with that conclusion, but I consider the harm to be higher than concluded within the HS.

I disagree with paragraph 4.31 of the HS that the historic glass houses create a precedent for development which would preserve and enhance the significance of the walled garden.

The glass houses were an essential part of the horticultural use of the walled garden and providing sustainability of the larger household. The structures there would have been significant to the household and been supportive to the garden space. These structures would be linked with the household and wider landscape. As noted in the HS, holiday lets are incompatible and harmful to the setting, the introduction of holiday lets do not link with the main dwelling but rather offer subdivision of the garden space and further remove the significance of the walled garden to the main house.

Paragraph 4.32 argues that the proposal's negative impact is reduced to the setting through the lack of visual links. This is inaccurate as the setting is not simply the visual aspect but also a historical connection. This proposal is within the curtilage which will have a strong historical connection of the setting which will be harmed through the development. The diminished visual impacts does not enable higher tolerance of harm.

Paragraph 4.37 offers repair and maintenance of the walled garden in response to the new development. I do not consider this to be a material consideration for mitigation of harm from the development. The owner of a listed building is responsible for the maintenance and repair of the listed buildings and curtilage listed buildings. Regardless of any development opportunities, the owner has a duty to maintain the walled garden.

Overall, the proposal has not managed to overcome my concerns raised from the pre-application phase.

As agreed by the HS, the proposal would provide less than substantial harm under the NPPF. Paragraph 208 requires that the harm is weighed against the public benefit of the development.

The additional holiday let within the historic environment would offer a small public benefit through economic factors. However, I disagree with the HS and my opinion is that the harm outweighs the benefit.

Policy S57 of the CLLP seeks to conserve, protect, or enhance the historic environment. The introduction of the holiday let will not conserve, protect or enhance the listed building or the setting and I dispute the claims that it would in the HS. This policy also seeks to outweigh the benefit against the harm of which I have already concluded that it does not outweigh the harm.

Therefore, I must object to this application as it does not meet the NPPF or Policy S57 of the CLLP.

Further comments received 12/11/2024 in response to agent comments 11/11/2024:

The increased tourism is acknowledged in the heritage judgement. It is deemed to not outweigh the harm. This is especially so when the approved conversion of the Coach House has not been undertaken. There is suitable conversion of the existing heritage to ensure safe protection of the buildings and setting without providing harm proposed with a new unsuitable building. The potential for growth is already there without the heritage harm. This emphasises the unsuitability of the proposal when there is an option that conserves and protects the heritage assets and meets the needs of the extra holiday let.

The repair and retention of the wall is required by the owner of the listed property, this is not a point that holds much weight in outweighing the heritage impacts from the harm of the proposal. This is expected regardless.

The change of use of the main dwelling to a holiday let does not mean the garden landscape is no longer used, nor does it mean the garden wall is no longer a heritage asset associated with the listed building. The change of use of the main dwelling is still residential so the significance and importance of the setting and garden landscape is not diminished through a change of use. The significance of the surrounding heritage assets is not lost or reduced due to the change of use. The introduction of the holiday let in the walled garden space, however, would be a harm to the significance of the space as a garden space for growing fruits and vegetables. The optimum viable use is for the use of the listed building of which has been supplied. This, along with the approved Coach House, means the optimum viable use has been met. This paragraph does not allow for unsuitable and harmful development simply for financial gain.

I will reiterate again, the public benefit of one holiday let does not outweigh the harm proposed.

West Lindsey Tourism: No representations received to date.

The Ramblers Association: No representations received to date.

Central Lincolnshire Ecologist: They still don't meet their trading rules due to tree loss. Recalculating it with the changes they have made they need 6 trees small trees targeted at moderate condition somewhere within the red line to meet the trading rules. If not, they will have to buy units/credits prior to commencement

However, the tree issue is something they can resolve after permission (from a BNG perspective) they will just need to provide an updated metric with their Biodiversity Gain Plan and HMMP.

The only thing I hadn't noticed is that the proposed parking seems very close to a drain but this drain is not on the OS map and the PEA stated there were no ditches so we will assume it is dry and didn't need to be included.'

Witham Third District IDB: Standard advice given on surface water drainage and development within 9 metres of 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 (Adopted April 2023).

Development Plan:

The following policies are particularly relevant:

Central Lincolnshire Local Plan adopted 2023 (CLLP):

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 S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S43: Sustainable Rural Tourism

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S57: The Historic Environment

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S66: Trees, Woodland and Hedgerows

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

South Kelsey Neighbourhood Plan:

West Lindsey District Council has approved the application by South Kelsey Parish Council to have the parish of South Kelsey designated as a neighbourhood area, for the purposes of producing a neighbourhood plan. As yet there is no neighbourhood plan document to view.

National policy & guidance (Material Consideration)

- National Planning Policy Framework (NPPF)

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 December 2023.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF July 2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf)

- **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>

LB Legal Duty

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

Planning (Listed Buildings and Conservation Areas) Act 1990

Main issues

- **Principle of Development**
- **Listed Buildings**
- **Visual Impact**
- **Residential Amenity**
- **Highway Safety and Car Parking**
- **Foul and Surface Water Drainage**
- **Trees, Landscaping and Boundary Treatments**
- **Climate Change/Energy Efficiency**
- **Ecology & Biodiversity**
- **Other Matters**

Assessment:

Principle of Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

It is proposed to erect a detached single storey 6 bed holiday let within the existing walled garden of the Grade II Listed Moortown House. The site is located in the countryside.

Policy S43 (Sustainable Rural Tourism) of the Central Lincolnshire Local Plan states that '*Development proposals for tourism uses, wildlife related tourism and visitor accommodation in the countryside will only be supported where it has been demonstrated that:*

- f) part E of Policy S5 has been satisfied; or*
- g) locations within settlements are unsuitable for the scale and nature of the proposal or there is an overriding benefit to the local, or wider, economy and/or community and/or environment for locating away from such built up*

areas and the proposal will not result in harm when considered against other policies in the plan; or
h) it relates to an existing visitor facility which is seeking redevelopment or expansion and is of a scale, form and design appropriate to its location.'

In terms of Policy S43, the proposal should be assessed against the requirements of part h) as it relates to an existing visitor attraction (Moortown House) which is looking to expand.

However, the scale, form and design of the holiday let is not considered to be appropriate to its location as it will cause harm to the setting of the curtilage listed walled garden it is set within and that of Moortown House which is Grade II Listed, as will be assessed below. No evidence has been provided for the need for such a large holiday let (6 bedrooms) and the applicant has recently let a planning permission lapse (at the time of the case officers site visit, this conversion did not appear to have taken place) to convert a coach house to 1no. 6 bed dwelling (142186) which would conserve and protect the heritage assets associated with Moortown House.

The proposal is also expected to result in harm when considered against other policies in the plan most notably Policy S57 (see following section of this report).

The principle of development therefore cannot be supported as the proposal is considered to conflict with Policy S43 and S57 of the Central Lincolnshire Local Plan and the NPPF.

Listed Buildings

It is proposed to erect a detached single storey building for holiday let accommodation with 6 bedrooms within the former walled garden (which is a curtilage listed structure) of the Grade II Listed Moortown House.

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.”

The Courts¹ have interpreted “preserving” means to do no harm.

Paragraph 203 of the NPPF states that Local Planning Authorities in determining applications, should take account of:

‘a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
c) the desirability of new development making a positive contribution to local character and distinctiveness.’

Policy S57 of the Central Lincolnshire Local Plan states that *'Development proposals that affect the setting of a Listed Building will, in principle, be supported where they make a positive contribution to, or better reveal the significance of the Listed Building.'*

It is proposed to erect two single storey linked structures located towards the north western corner of the walled garden on the approximate footprint of two former 19th Century glasshouses as shown on historic maps. A new stoned up access and car parking area to the north of the walled garden is also proposed along with other structures within the walled garden such as a terraced seating area and pathways. The walled garden retains high brick walls in various states of disrepair on the northern and eastern boundaries of the site.

A Heritage Impact Assessment by ID Planning Consultants has been submitted in support of this application which states:

'The Historic England list entry for Moortown House cites the affiliation with Sir Joseph Paxton, an architect and gardener best known for designing glass houses at Chatsworth House and The Crystal Palace in Hyde Park.'

It has been deemed unlikely that Joseph Paxton would have been involved in the original layout of Moortown House given his career activities mostly commenced years later in 1826 with employment at Chatsworth. This also suggests the walled garden may have been part of the landscape pre-19th century redesigns by Paxton. Thus, the parkland to the south and gardens to the west have been present at Moortown House and designed with the buildings in this layout since the original construction dates, with later 19th century modifications altering the gardens and dwelling. The presumed pre-1824 layout of the gardens was extended west from the western side of the original park area in the later 19th century, and this landscape would have been influenced by the designs of Joseph Paxton.

Paxton would have likely influenced the design of the extended gardens between 1849 and 1856 in line with both the Directories and the historic mapping, and consistent with his career developments which would place this design post the Conservative Wall in 1848, and most likely before The Crystal Palace in 1850/51.

Sir Joseph Paxton's protégé, Edward Milner, could also have been involved in the design of the gardens, as he carried out work as a landscape architect during this period of the 19th century.

While it is difficult to determine emphatically if Paxton designed the gardens, the associative historical value of Moortown House draws from the continued historical associations with Paxton.

*The assessed level of the severity of impact on the designated heritage asset due to the proposal is considered to be slight/minor to minor/moderate. Accounting for both the significance of the walled garden itself, the impact upon the setting of the listed building, and the impact on the wider estate, **the severity of impact can be determined as overall minor.***

It is concluded from the assessment of the proposals that there will be 'less than substantial' harm to the identified heritage assets.'

A Heritage Assessment by Austin Heritage Consultants (March 2020) was also submitted for pre-application enquiry (146640 & 140097) which states:

'The walled garden is an example of a mid-19th century walled garden for a small country Lincolnshire estate with possible fabric and layout reflecting a pre-1824 (and possibly pre-1815) domestic garden for the original house. It is likely that the garden reflects alterations made by Sir Joseph Paxton (or possibly Edward Milner) during his reputed redesign of the house landscape in the mid-19th century, but the design and overall fabric has been compromised through loss of fabric.

Overall, the walled garden is of moderate significance as a remnant of a purpose-designed and executed walled garden for a small country estate. *It has been compromised through loss of key elements, such as the glasshouses and structures to house heating apparatus that would have demonstrated specific uses of the garden. If the walled garden is confirmed through future research to have been part of a cohesive design for the estate landscape by Paxton or Milner, then the surviving remnants of the garden may be considered to be of considerable significance for their historical and evidential value.'*

The walled garden space, and wider landscape was reputedly designed by Sir Joseph Paxton in the mid-19th century. Sir Joseph Paxton was responsible for some of the greatest glass houses in Crystal Palace and Chatsworth House. The walled garden is a typical design for the mid-19th century but is of greater historic significance due to its association with Paxton. **However, the significance of the walled garden does not diminish if it has no links to Paxton.**

Whilst the possible repair and retention of the walled garden through this application is welcomed, the repair and retention of the wall is required by the owner of this curtilage listed structure.

It is considered that the large single storey building would not likely conserve, protect, or enhance the setting of the main dwelling, the walled garden or the wider historic landscape. The proposal would not allow the walled garden to be read as a walled garden and there is no justification for such a building in this location on the site of former 19th Century glasshouses. The setting is

also likely to be diminished with domestic paraphernalia such as washing lines.

There are also concerns in regards to the 8 car parking spaces and access to the north of the walled garden (which are currently given over to grass/scrub and which are both proposed to be 'stoned up'), which will further impact upon the setting of this curtilage listed structure.

Overall, it is agreed with the application's own Heritage Statement that the proposal would lead to less than substantial harm to the significance of the designated heritage assets.

It is agreed that the development would result in harm to the heritage asset – and would neither preserve nor enhance the setting of the Asset. The Authority is placed under a statutory duty (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) 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.*” The development would not do so, and would result in harm, as the application itself acknowledges.

As a material consideration, Paragraph 208 of the NPPF states that ‘*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*’

Policy S57 of the CLLP also carries such a balancing test, where less than substantial harm to a designated heritage asset is expected.

The applications Planning Statement acknowledges this test and states: “*the wide-ranging demonstrative positive public benefits that arise from the scheme, are, on balance, considered to outweigh this degree of ‘less than substantial’ harm*”

However, it does not set out or quantify what they consider to be the “wide-ranging demonstrative positive public benefits” in order that the decision-maker can itself apply the balancing test.

This was raised with the applicant, who responded by email (dated 11/11/2024) with the following points:

- Increased tourism in a rural area promoting the appreciation of the wider historical country estate.
- The rural tourism in this area is demonstrated in the use of the main house as a successful holiday let, promoting the expansion of the business and the subsequent wider appreciation and use of the entire estate.
- Reinvigoration of the walled garden through the establishment of buildings within the historic footprint of previous glass houses;
- Repair and retention of the walled garden.

The increase in tourism accommodation is noted and the possibility of direct and indirect benefits to the wider rural economy, are acknowledged; however, the applicant has not quantified the supposed benefits in any way. The applicant has stated that the main house is a successful holiday let but no supporting evidence has been provided with this application which clearly shows this is the case. There is no information that indicates the current vacancy rates on the site, or the expected revenue this venue may bring to the economy. No supporting evidence has also been provided which shows the need for this additional 6 bed holiday let. The applicant has also not quantified what the direct and indirect benefits that this single holiday let would contribute towards West Lindsey's tourism economy. In the absence of any detail, it is considered the introduction of a single 6-bed holiday let, would have some limited benefits to the local economy, and this may be afforded limited weight as a positive benefit.

In view of the claim that it would "reinvigorate" the walled garden through the reintroduction of buildings - this runs completely counter to the applicant's own Heritage Appraisal, which accepts that the introduction of the building would cause harm to, not improve, the setting of the listed building. This does not appear to amount to a public benefit and it is advised, should be afforded no weight in the balance.

It has not been demonstrated that the "repair and retention of the walled garden" is dependent upon the proposed development taking place - indeed its maintenance and upkeep already falls to the applicant. It is considered that this is not a public benefit and is afforded no weight in the balance.

It is therefore considered that the limited public benefits that may arise from erecting a six bedroom holiday let would not outweigh the less than substantial harm to the heritage asset.

In conclusion the proposal will harm the setting of the walled garden which is a curtilage listed structure and its wider historic setting through the imposition of a holiday let building, other associated structures within the walled garden (and domestic paraphernalia such as washing lines), for a structure which was designed to grow fruit and vegetables and through the creation of 8 new car parking spaces and an access track to the north of the walled garden which are both proposed to be 'stoned up'. In this case it is considered that the public benefits of the proposal are fairly limited benefits in terms of a possible enhancement of the wider rural economy and that the proposal would cause harm to designated heritage assets contrary to the NPPF, Policy S57 of the Central Lincolnshire Local Plan and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Visual Impact

Local Plan Policy S53 states that all development must achieve high quality sustainable design that contributes positively to local character, landscape and townscape, and supports diversity, equality and access for all. Development must relate well to the site, its local and wider context and existing characteristics including the retention of existing natural and historic

features wherever possible and including appropriate landscape and boundary treatments to ensure that the development can be satisfactorily assimilated into the surrounding area. It further states that development should contribute positively to the sense of place, reflecting and enhancing existing character and distinctiveness, and should be appropriate for its context and its future use in terms of its building types, street layout, development block type and size, siting, height, scale, massing, form, rhythm, plot widths, gaps between buildings, and the ratio of developed to undeveloped space both within a plot and within a scheme. In addition, development must achieve a density not only appropriate for its context but also taking into account its accessibility.

It is proposed to erect a detached single storey building for holiday let accommodation with 6 bedrooms within the former walled garden (which is a curtilage listed structure) of the Grade II Listed Moortown House. The site is accessed off the B1434 to the north east with a new driveway and 8 car parking spaces being created to the north of the walled garden.

With the proposed building being single storey in scale and surrounded by the high walls of the former walled garden walls to the north and east and trees to the west and the south it is considered that the proposed dwelling will not impact on the wider visual amenity of the site and the countryside beyond. However, there are concerns about the proposed buildings visual impact on the walled garden itself and also concerns in regards to the driveway and car parking to the north of the walled garden and its affect on the setting of the curtilage listed walled garden.

It is therefore considered that the proposal will affect the character and appearance of this sensitive location contrary to the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

Residential Amenity

Local Plan Policy S53 states that all development must not result in harm to people's amenity either within the proposed development or neighbouring it through overlooking, overshadowing, loss of light or increase in artificial light or glare. It further states that development must provide homes with good quality internal environments with adequate space for users and good access to private, shared or public spaces.

It is proposed to erect a detached single storey building for holiday let accommodation with 6 bedrooms within the former walled garden (which is a curtilage listed structure) of the Grade II Listed Moortown House. The holiday let will be accessed off the B1434 (Brigg Road) to the north east with a metalled track leading past neighbouring dwellings (Paddock View & Erin Cottage, Brigg Road located approximately 148 metres to the north east of the Walled Garden) which becomes a gravelled track leading past agricultural buildings. An access drive and 8 car parking spaces are proposed to the north of the walled garden.

It is considered that there are no issues of loss of light, overlooking or over dominance issues with the proposed holiday accommodation and the proposed access which leads past neighbouring dwellings can be used by heavy farm machinery accessing the aforementioned agricultural buildings.

It is therefore considered that the proposed development would not have an unacceptable harmful impact on the living conditions of neighbouring dwellings and would accord with Policy S53 of the Central Lincolnshire Local Plan and the provisions of the NPPF.

Highway Safety and Car Parking

This application seeks planning permission to erect a 6-bedroom holiday let within the existing walled garden of Moortown House. The holiday let will be accessed off the B1434 (Brigg Road) to the north east with a metalled track leading past neighbouring dwellings (Paddock View & Erin Cottage, Brigg Road located approximately 148 metres to the north east of the Walled Garden) which becomes a gravelled track leading past agricultural buildings and onto a grass pathway (which is proposed to be stoned up) leading past the northern wall of the walled garden. 8 car parking spaces on an area of grass/scrub (which are also proposed to be stoned up) are proposed to the north of the walled garden and the building will be accessed through existing openings in the northern wall of the walled garden.

Local Plan Policy S47 and S49 requires well designed, safe and convenient access for all, and that appropriate vehicle parking provision is made for development users. Although Appendix 2 of the CLLP which is referred to in Policy S49 is silent on holiday accommodation, it states that 6 bed dwellings in this location should provide 3 parking spaces. Eight car parking spaces are proposed for the holiday let.

Lincolnshire County Council Highways have been consulted on the application and raise no objections to the proposal.

Paragraph 114 of the NPPF states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Overall, the proposed access, parking and turning arrangements are acceptable and the proposal is considered to accord with Policy S47 and S49 of the Central Lincolnshire Local Plan.

Foul and Surface Water Drainage

The site is in flood zone 1 which is sequentially preferable and therefore meets the test within Policy S21. This policy (S21) also contains drainage guidance.

Foul sewerage will be dealt with by way of a septic tank and surface water by way of a soakaway. The appropriateness of the intended method(s) cannot be assessed at this stage. If permission was to be granted a planning condition to secure full foul and surface water drainage details would be recommended.

A condition would also be attached to the decision notice if permission was to be granted requiring that any hardstanding should be constructed from a porous material and be retained as such thereafter or should be drained within the site.

It is considered that Policy S21 is consistent with the drainage guidance of the NPPF and can be attached full weight

Trees, Landscaping and Boundary Treatments

The site has trees to the north of the proposed access, to the south and west of the site and several trees within the walled garden. An arboricultural report has been submitted in support of this application and all trees within and around the site will be retained apart from one individual tree and one group of trees (T4 & G2) which have been categorised as U. These trees are in a very poor condition and are proposed to be removed. Six new rowan trees will be planted in compensation for these losses.

No boundary treatments are proposed as the garden walls to the north and east and the trees to the west and south will act as boundaries to the site. Within the walled garden a kitchen garden, terrace, pathways, lawned areas and a wildflower area are proposed.

It is considered that the proposal accords with the NPPF and Policy S66 of the Central Lincolnshire Local Plan.

Climate Change/Energy Efficiency:

Local policy S6 and S7 of the CLLP sets out design principles for efficient buildings and reducing energy consumption. Local policy LP7 states that:

“Unless covered by an exceptional basis clause below, all new residential development proposals must include an Energy Statement which confirms in addition to the requirements of Policy S6”.

Local policy S7 provides guidance and criteria on the generation of renewable electricity and the limit on the total energy demand for each single dwelling (“not in excess of 60 kWh/m²/yr”).

An Energy Statement has been submitted by GC Reports Ltd which was received on the 13/11/2024 and amended plans to show an Air Source Heat Pump on the south west elevation of the building. Solar Panels granted permission on the 28/03/2024 (147848) on the roof of a nearby agricultural building will also provide electricity to the new building.

As is stated above the site will benefit from the installation of an Air Source Heat Pump and nearby electricity generating PV panels. A fabric first approach has been taken for the proposed new dwelling, with the u- values for all external elements exceeding current Building Regulations requirements.

The new dwelling shows a significant percentage improvement in the Primary Emission Rate of 28% over current Building Regulations (2021), and a total energy demand of less than 60 kWhPE/m²/year.

The performance of the property puts the house in a band A, with a CO₂ emissions of 0.61 t/year.

Based on the design proposals, improvements to the fabric of the dwelling and introduction of advanced renewable technologies, it is therefore considered that subject to conditions the development would accord to the requirements of local policy S6 and S7 of the CLLP and the provisions of the NPPF.

Ecology & Biodiversity

Biodiversity Net Gain (BNG) is mandatory on minor developments from 2nd April 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It requires that development must deliver a net gain of 10% to ensure that habitats for wildlife are left in a measurably better state than they were before the development. This was formerly a requirement of local policy S61 of the CLLP which required "All qualifying development proposals must deliver at least a 10% measurable biodiversity net gain attributable to the development. The net gain for biodiversity should be calculated using Natural England's Biodiversity Metric". This has now should be calculated using Natural England's Biodiversity Metric". This has now been formally superseded by national regulations, however it is still a policy requirement of the CLLP to get a 10% net gain.

Amended plans and documentation has been received in response to comments made by Central Lincolnshire's Ecologist including it is now proposed to plant six new rowan trees.

The proposed development has been accompanied by a Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment (KJ Ecology Ltd dated May 2024) and a Biodiversity Net Gain calculation which has concluded that a net gain of 30.07% could be achieved mainly through the proposed sedum roofs to the building, wildflower meadow, kitchen garden and six new rowan trees, as the site is currently given over to maintained grass whilst taking into account the proposed access and car parking spaces which will be 'stoned up.'

The proposed Site Layout/Block Plan (Drawing No. 635.06 F dated 14/11/2024) will be conditioned accordingly if it is minded to grant permission,

alongside a landscaping condition and a condition in regards to the recommendations contained within the PEA.

It is therefore considered that the proposed development would be in accordance with Policies S60 and S61 of the Central Lincolnshire Local Plan and paragraph 180 of the NPPF. There is no mechanism for the Local Planning Authority to guarantee or enforce that the fallback scheme achieves the same level of bio-diversity net gain.

Other Matters:

Public Right of Way

There is a Public Right of Way (SoKe/85/1) located approximately 23 metres to the north of the site. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way.

Water Butts

If it is minded to grant permission a condition should be attached to the decision notice as per Policy S12 of the Central Lincolnshire Local Plan to secure 100 litre water butts for each of the proposed dwellings.

Water Usage

As per Policy S12 of the Central Lincolnshire Local Plan to minimise impact on the water environment all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day per person for water efficiency as described by Building Regulations G2.

The new dwelling benefits from a Water Usage Calculation, confirming water consumption of 109.86 litres per person per day. less than maximum allowance of 110 litres per person per day.

Conclusion and reasons for decision:

The decision has been considered against Policy S1: The Spatial Strategy and Settlement Hierarchy, S2: Growth Levels and Distribution, S5: Development in the Countryside, S6: Design Principles for Efficient Buildings, S7: Reducing Energy Consumption – Residential Development, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S43: Sustainable Rural Tourism, S47: Accessibility and Transport, S49: Parking Provision, S53: Design and Amenity, S54: Health and Wellbeing, S57: The Historic Environment and S61: Biodiversity Opportunity and Delivering Measurable Net Gains of the Central Lincolnshire Local Plan in the first instance and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Guidance contained in the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Model Design Code has also been taken into consideration.

It is agreed with the application's own Heritage Statement that the proposal would lead to less than substantial harm to the significance of the designated heritage assets.

It is agreed that the development would result in harm to the heritage asset – and would neither preserve nor enhance the setting of the Asset. The Authority is placed under a statutory duty (Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990) 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.*” The development would not do so, and would result in harm, as the application itself acknowledges.

As a material consideration, Paragraph 208 of the NPPF states that ‘*where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.*’

The applications Planning Statement acknowledges this test and states: “*the wide-ranging demonstrative positive public benefits that arise from the scheme, are, on balance, considered to outweigh this degree of ‘less than substantial’ harm*”

However, it does not set out or quantify what they consider to be the “wide-ranging demonstrative positive public benefits” in order that the decision-maker can itself apply the balancing test.

It is acknowledged that there may be some limited public benefits that arise, through the introduction of holiday accommodation. However, this has not been quantified in any meaningful way, and it is considered that the limited public benefits that may arise from a single holiday let unit, would not outweigh the less than substantial harm that would arise to the heritage asset

In light of this assessment, the application is recommended for refusal for the following reasons:

1. In terms of Policy S43 of the Central Lincolnshire Local Plan, the scale, form and design of the holiday let is considered not to be appropriate to its location as it will cause harm to the setting of the curtilage listed walled garden it is set within and that of Moortown House which is Grade II Listed. No evidence has been provided for the need for such a large holiday let (6 bedrooms) and the applicant has recently let a planning permission lapse to convert a coach house to 1 no. 6 bed dwelling (142186) which would conserve and protect the heritage assets associated with Moortown House. The proposal also results in harm when considered against other policies in the plan most notably S57 (see below). The principle of development therefore cannot be supported as the proposal is considered to conflict with Policy S43 and S57 of the Central Lincolnshire Local Plan and the NPPF.
2. The development will lead to less than substantial harm to the setting of a heritage asset, through the imposition of a holiday let

building, other associated structures within the walled garden (and domestic paraphernalia such as washing lines), for a structure which was designed to grow fruit and vegetables and through the creation of 8 new car parking spaces and an access track to the north of the walled garden which are both proposed to be 'stoned up'. It would neither preserve or enhance the setting of the designated heritage asset, which the local planning authority has a duty to give special regard. Having regard to paragraph 208 of the NPPF and policy S57 of the Central Lincolnshire Local Plan, it is not considered that it has been demonstrated that there are public benefits that would otherwise outweigh the harm expected to occur. Development would be contrary to policy S57 of the Central Lincolnshire Local Plan, and paragraph 208 of the NPPF.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report.