

## **Officers Report**

### **Planning Application No: 146831**

**PROPOSAL:** Planning application for change of use to storage facility for 40 No. Caravans / motorhomes making use of and extending existing hardcore hardstand. Screen tree planting and hedge reinforcement planting and installation of key locked timber clad steel gates, hooped barriers and 2No. 3M high CCTV poles to cover the site. Plus a 38M x 2M security ditch and boundary wire mesh fence with timber posts.

**LOCATION:** Land off Barton Street Keelby North East Lincs DN41 8EP

**WARD:** Caistor and Yarborough

**WARD MEMBER(S):** Cllr O Bierley, Cllr A Lawrence

**APPLICANT NAME:** Joanne Calaby

**TARGET DECISION DATE:** 27/07/2023

**DEVELOPMENT TYPE:** Minor - all others

**CASE OFFICER:** Vicky Maplethorpe

**RECOMMENDED DECISION:** Refuse permission

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This application is referred to the planning committee as the recommendation is to refuse planning permission on the grounds that it is contrary to the Development Plan, and that there are representations in support of the application including the local ward member and the Parish Council, who consider that it complies with the Central Lincolnshire Local Plan.

#### **Description:**

The site is a rectangular section of land located on the south west of Barton Street (A18) to the south west of the village of Keelby. The development subject of this application has already taken place and is present on site. The site has a hardcore surface where caravans and containers are stored. Palisade fencing and gates have been erected along part of the south east boundary. A bank of vegetation runs along the road frontage. To the north west of the site, over 150m away, is a detached dwelling (Highfield House) and beyond that a further dwelling (Westfield). Immediately adjoining the site is a dog agility area and surrounding the rest of the site to the west and south are arable fields. To the east of the site, on the opposite side of the road is a tow-bar garage. The site is surrounded by open countryside to the south. The village of Keelby is to the north.

The application seeks permission to change the use of the land to caravan storage with associated works including fencing, CCTV, steel gates. This is a retrospective application as the works have already been carried out.

#### **Relevant history:**

145267 - Planning application for change of use to storage facility for up to 40no. caravans/motorhomes including siting of 9no. storage containers,

upgrading existing gates, installation of fencing, barriers, cctc, and formation of dyke for drainage and security. Refused, 23/9/22.

**Representations, in summary (full representations can be viewed on the application file):**

Ward member Councillor O Bierley: Letter of support

*'Firstly, whilst on the opposite side of the Barton Street from the body of the village, the application site has always been clearly delineated from the agricultural land beyond and its use ancillary to the adjacent dwelling. Indeed the property has been in the ownership of the same family throughout the forty-four years I've lived in Keelby and known that piece of land.*

*I believe CLLP Policy S5: Development in the Countryside to be a key consideration in assessing this proposal, specifically Part E: Non-residential development in the countryside. Section a) 'The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by proximity to existing established businesses or natural features' offers substantive support, while the criteria in Sections b) accessibility c) conflict with neighbouring uses and d) size and scale are all individually and collectively met. Similarly Keelby Neighbourhood Plan Policy 4: Business and Service Development, especially Parts 1 and 4, are wholly supportive of the proposal and very much, reflect the CLLP policy referred to above. The documents submitted with the application clearly evidence the new rural employment created, the symbiotic relationship with the well-established, nationally recognised and successful Motorhome business immediately opposite the site and the high demand for the new facility, which I note is primarily from residents in Keelby or villages very nearby. This not only supports the local economy, but also demonstrably helps further strengthen our community.*

*Finally and acknowledging that this may not be a material consideration, the application is retrospective in nature and the business already in operation however this has not resulted in issues whatsoever, as reflected in the two highly supportive submissions from Keelby Parish Council. In summary I believe this to be a much needed facility in our part of West Lindsey.'*

Keelby Parish Council: The PC 'Fully support the application'. The letter from the PC to the applicant below, was submitted as part of the application:

Further to your email to the Parish Council seeking support for the resubmission of a planning application for a Caravan Storage facility off Barton Street Keelby, the matter was discussed in some detail at our Council meeting on 4<sup>th</sup> April 2023 and as a result, we are pleased to write with our support.

Having considered the officers report relevant to the original application (ref. 145267), we note that there are two primary reasons why the application was refused, so we will focus our response on these, but in addition will add further supporting advice and comment pertaining to our local Neighbourhood Plan (NP) and priorities for the village; for information, our NP has now completed external review and will shortly be subject to a formal referendum.

When considering the location of the site, the WLDC report considered the site to be outside of the boundary of the village and "located within the countryside". In response to this, we would make it very clear that the houses and premises on both sides of the A18 (Barton Street) are considered to be very much a part of our village, and clearly fall within the Parish boundary to which our Neighbourhood Plan (NP) applies; and is therefore clearly encompassed in our policies set out within our local plan. To further enhance this, we identify a number of important businesses in our NP that are considerably further away from the village than your site; Harvest Pet Products Ltd (Stonepit Lane) is a good example of this. We stress that we are very keen to see further development of local businesses that will offer employment opportunities and support the central amenities of the village. Planning policy 4, section one references this as follows:

*"1. New small business development proposals and projects which enhance the sustainability and economic viability of the Plan area will be supported provided that they conform to other relevant policies of this plan."*

Secondly, when considering any "harmful impact on the rural character of the landscape", whilst we appreciate that the LPA consider the land is designated as arable at the moment, the location is in an area that is already supporting non-arable enterprises, and is in fact directly opposite Motorhome Tow-Bars & Tow-Cars which is a case in point. There are also mature hedges to the south east and north east of the land which do a good job of masking the site. We also note you intent to exclude the container storage which should help your case.

In our NP, we acknowledge that "Agriculture now employs significantly fewer people than in previous times", and where such development as yours can make effective use of arable land it should be encouraged.

Our NP is also very clear on our intent with regards to development of arable land, and planning policy 4 specifically states:

"4. Proposals that propose a diversification of an existing agricultural and/ or other land based rural businesses will be supported provided that it can be demonstrated that the proposed use is necessary to support the existing use(s) economic viability and that they conform to other relevant policies of this plan."

We are of the opinion that the proposed development is in accord with this policy.

Further to this, we believe the planned development conforms with the new Central Lincolnshire Local Plan as follows:

- Policy S5: Development in the Countryside, specifically Part E:  
Non-residential development in the countryside. We believe your application conforms as follows:
  - o Section a): The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by proximity to existing established businesses or natural features.
  - o Section c): The location of the enterprise would not result in conflict with neighbouring uses; and
  - o Section d): The development is of a size and scale commensurate with the proposed use and commensurate with the rural character of the location.

With regards to other important matter, the Parish Council would draw your attention to the following points and ask you to ensure that your resubmission gives due consideration to these.

The WLDC report makes mention that "no evidence has been submitted to demonstrate the need for this particular location"; we suggest that your re-application will need to address this. Whilst there is clear evidence of the need for the proposed facility (it's currently full and you have a waiting list), we would stress that the facility has had a clear and positive impact on parking in the village due to caravans being parked 'off-site' and we are very supportive of this. With regards to other potential locations for the site, we are not aware of any suitable sites and there is no land in the current plan for business development. However, we would suggest that you give this some consideration to further strengthen your case for your site being most-suitable.

In conclusion, we are very much in support of your plan and will comment accordingly when they are submitted through the formal planning process. We are also happy for this initial response to be used to support your resubmission.

Local residents: One letter of comments from 10 Manor Close, Keelby *'I support this local business' application and am in favour of any local business expanding. I disagree, however, with the Land and Visual Impact statement 4.19 which states traffic passing the site will already be slowing down as it approaches the village. I don't feel traffic does slow down appreciably on the A18. My concern would be that large vehicles or caravans manoeuvring slowly into or out of the access road would increase traffic risk and that a lower speed limit for the A18 should considered in this area.'*

Lincolnshire County Council Local Highway and Lead Local Flood Authority : *'The proposal is for a change of use to storage facility for 40 No. Caravans / motor-homes and it does not have an impact on the Public Highway or Surface Water Flood Risk. The current access will need reconstructing to Lincolnshire County Council specification, keeping the 10 radii.'*

Archaeology: No objections

Internal Drainage Board: *'No development should be commenced until the Local Planning Authority, in consultation with the Lead Local Flood Authority has approved a scheme for the provision, implementation and future maintenance of a surface water drainage system. The suitability of new soakaways via the permeable surface, as a means of surface water disposal, should be to an appropriate standard and to the satisfaction of the Approving Authority in conjunction with the Local Planning Authority. Under the provisions of the Flood and Water Management Act 2010, and the Land Drainage Act. 1991, the prior written consent of the Lead Local Flood Authority (Lincolnshire County Council) is required for any proposed works or structures in any watercourse outside those designated main rivers and Internal Drainage Districts. At this location this Board acts as Agents for the Lead Local Flood Authority and as such any works, permanent or temporary, in any ditch, dyke or other such watercourse will require consent from the Board.'*

ECM: Checked 9/8/23

### **Relevant Planning Policies:**

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016) and the Keelby Neighbourhood Plan, which immediately becomes part of the statutory development plan, following a successful referendum.

### Development Plan

- **Central Lincolnshire Local Plan (CLLP)**

Relevant policies of the CLLP include:

Policy S1: The Spatial Strategy and Settlement Hierarchy

Policy S5: Development in the Countryside

Policy S6: Design Principles for Efficient Buildings

Policy S12: Water Efficiency and Sustainable Water Management

Policy S21: Flood Risk and Water Resources

Policy S34: Non-designated Employment Proposals in the Countryside

Policy S47: Accessibility and Transport

Policy S49: Parking Provision

Policy S53: Design and Amenity

Policy S54: Health and Wellbeing

Policy S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity

<https://www.n-kesteven.gov.uk/central-lincolnshire/adopted-local-plan-2023>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site / area.

- **Keelby Neighbourhood Plan**

On 20 July 2023 the referendum on the Keelby Neighbourhood Plan was held. Residents voted in favour of West Lindsey District Council using the neighbourhood plan to help it determine planning applications in the Keelby parish area (80.8% voted in favour, with a 23.6% turnout). As it has been successful at referendum, the Keelby Neighbourhood Plan immediately becomes part of the statutory development plan against which planning applications must be decided (section 38(3A) of the Planning and Compulsory Purchase Act 2004).

The referendum result is to be reported to the Full Council of West Lindsey District Council on 4 September 2023 with a view to the Keelby Neighbourhood Plan being formally made as part of the development plan for the parish area. The neighbourhood development plan only ceases to form part of the development plan if the local planning authority decide under section 38A(6) not to make the plan, for which there are narrow circumstances.

Relevant policies of the NP include:

Planning Policy 1: The Rural Character and Distinctiveness of the Parish

Planning Policy 4: Business and Service Development

Planning Policy 5: Environment and Countryside

The Neighbourhood Plan should be attached **full weight** in the consideration of this application.

<https://www.west-lindsey.gov.uk/sites/default/files/2023-05/Keelby%20Neighbourhood%20Plan%20final%20referendum%20version%20May%202023.pdf>

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 July 2021.

Chapter 6 of the NPPF states in paragraph 81 that "*Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt*". Paragraph 84 goes on to state: "*Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings*

*and well-designed new buildings; b) the development and diversification of agricultural and other land-based rural businesses.”*

Paragraph 219 states:

*“Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

- **National Planning Practice Guidance**
- *National Design Guide (2019)*

### **Main issues**

- Principle of Development
- Visual impact
- Highway safety
- Neighbouring uses amenity

### **Assessment:**

#### Principle and Background

This application follows the refusal of application 145267, for a change of use to storage facility for up to 40no. caravans/motorhomes including siting of 9no. storage containers, upgrading existing gates, installation of fencing, barriers, cctv, and formation of dyke for drainage and security. Since the previous application was determined, the new Central Lincolnshire Local Plan has been fully adopted (April 2023) and the Keelby Neighbourhood Draft Plan has been successful at Referendum, also forming part of the statutory development plan.

This new application is accompanied with a Design and Access Statement, Planning Statement and Landscape and Visual Statement.

The site is located on the south west side of Barton Street outside the built up area of Keelby and is therefore classed as being in the open countryside.

Policy S5 Part E: relates to Non-residential development in the countryside  
Proposals for non-residential development will be supported provided that:

- a) The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;
- b) The location of the enterprise is suitable in terms of accessibility;
- c) The location of the enterprise would not result in conflict with neighbouring uses; and

d) The development is of a size and scale commensurate with the proposed use and with the rural character of the location.

Policy S34 states that 'Proposals for employment generating development will be limited to the expansion of an existing employment use and development proposals that support the growth of the agri-food sector or other land-based rural businesses and buildings in accordance with relevant parts of Policy S5.

Criterion 4 of Policy 4 of the Keelby Neighbourhood Plan states:

*Proposals for the diversification of existing agricultural and/ or other land based rural businesses will be supported provided that it can be demonstrated that the proposed use is necessary to support the existing use's economic viability and that it conforms to other relevant policies of this plan.*

Paragraph 84 of the NPPF also guides that '*planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.*'

The proposal is for a **new** caravan storage facility within the open countryside. It is not an expansion or extension to an existing or established business, the works already carried out are considered to be an unauthorised development in the countryside.

Information has been submitted with the application to support the proposed location of the development. Within the Planning Statement it states that:

*The Applicant has confirmed that of the 34 people (excluding the owners own plot) using the caravan storage site, 16 live in Keelby, a further 10 live within 5 miles of the site. Only 2 of those using the site have been noted as taking their caravans to Europe, with the remaining users staying within England, and more specifically the local region. Please see Annex B for a breakdown of the customer list. 5.18 The location of the site therefore, is beneficial to the areas rural economy as people both store their caravan and utilise it within the surrounding rural area. For example, the customer using plot number 4 lives within Keelby and use their caravan within Lincolnshire.*

The Statement also identifies other caravan storage facilities in Lincolnshire that are sited in the open countryside. However a storage facility does not require a countryside location and the location of other caravan storage sites does not mean this application is acceptable. This application is to be

determined on its own merits against the development plan policies in force at this time.

It is recognised that there are currently people using the storage that live locally. However, this in itself is not considered sufficient to comply with the criteria in policy S5 Part E, which states:

*The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*

Local users do not in themselves justify the need for a rural location. It is still considered that the location is not justified by means of proximity to an **existing** established businesses or natural features as it is a new unauthorised business within the open countryside.

Furthermore, policy 1 of the Keelby Neighbourhood Plan states:

‘Development proposals should respond positively to the rural character and distinctiveness of the Parish and take account of the following characteristics:

- a) the identified Local Green Spaces and Important Green Spaces in Appendix 3;

And goes on to state ‘Wherever practicable, development proposals should use brownfield land.’

‘Barton Street – Paddock behind Maple Avenue’ has been identified as an ‘Important Open Space’ within the Neighbourhood Plan. The designation is on the north-east side of the A18 (opposite to the application site) and this identified open space acts as a clear rural visual divide between the main built up area of the village and the countryside beyond. The proposed site is located beyond the identified open space, on the opposite side of the road, on what was originally agricultural land. It is therefore considered that the proposed development will result in an adverse impact on the rural character, setting and distinctiveness of Keelby.

The local ward member and Parish Council have both submitted letters of support for the application stating that they consider that it complies with policies from the CLLP and The Neighbourhood Plan stating ‘*The documents submitted with the application clearly evidence the new rural employment created, the symbiotic relationship with the well-established, nationally recognised and successful Motorhome business immediately opposite the site and the high demand for the new facility, which I note is primarily from residents in Keelby or villages very nearby. This not only supports the local economy, but also demonstrably helps further strengthen our community.*’

However for the reasons stated above and below the principle of development is considered to conflict with policies S5 and S34 of the CLLP and policy 1 of the Keelby Neighbourhood Plan. Other matters, such as highway safety,

neighbouring amenity and character considerations are assessed later in the report.

#### Design and 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.

Furthermore criterion d Part e of policy S5 states that 'The development is of a size and scale commensurate with the proposed use and with the rural character of the location.'

Policy 5 of the Keelby Neighbourhood Plan states:

'As appropriate to their scale, nature and location development proposals should preserve, and where practicable, enhance the natural environment and open countryside and maintain the rural character of Keelby. In particular, development proposals should:

- a) Enhance existing environmental assets such as those identified in Appendix 7.
- b) Seek to minimise their environmental impact, demonstrate the use of best available environmental technology / practice and ensure no net loss of biodiversity or negative impact on local habitats. Where appropriate development proposals should deliver a biodiversity net gain of at least 10%.
- c) Ensure the protection and enhancement of Keelby's open countryside together with wildlife habitats.'

The application site is located in the open countryside, clearly detached from the main body of the developed footprint of Keelby. Barton Road and the Important Open Space identified in the draft neighbourhood plan act as clear dividers between the built up body of the village and the surrounding countryside. The site is accessed from Barton Road. The surrounding area is predominately open fields with Keelby located to the north of the site. The site however, is well screened along the boundary with Barton Road.

The submitted Landscape and Visual Statement states that 'The site is such a small component and the proposals so low key that there will only be a negligible effect on this LCA.'

However the submitted report accepts that *'The erection of the palisade security fencing and gates changes the character of the site from a use which requires little intervention or physical impact on the site to one which formalises the boundaries and is clearly a commercial use.'* It goes on to state that *'The location of the site is opposite an existing, visible commercial use and therefore is not an alien feature in the surrounding landscape.'*

The application is retrospective with the change of use and associated works having been undertaken. The site contains caravans along with palisade fencing and gates. As stated above the proposed outdoor storage measures approx. 2500 sq. m in total. The surrounding area is rural in character. The scale of the proposed change of use and the associated works erode the rural character of this countryside location and its unauthorised presence on the site demonstrates the existing visual harm caused. The proposal does not enhance or maintain the rural character of Keelby and offers no biodiversity net gain. This is an inappropriate development in the countryside.

The Parish Council have stated the site is within their Parish, which is not being disputed.

Therefore due to the size, scale and presence the development would, and does, have a harmful visual impact on the site and surrounding area contrary to policy S53 of the CLLP and policy 5 of the Keelby Neighbourhood Plan.

#### Highway Safety

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.

The proposal will utilise the established access into the site.

The Parish Council state the development has a positive impact on parking in the village as caravans are now parked off-site.

No objections have been received from the Highway Authority on safety grounds.

It is considered that the proposed development and access arrangements are acceptable and the proposal accords with policy S47 of the CLLP.

#### Neighbouring Uses 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.

The site is surrounded by open countryside to the south, a garage on the opposite side of the road, to the north east and allotments to the north west. It is considered that the proposal will not conflict with these neighbouring uses.

### Biodiversity Net Gain

Local policy S61 of the CLLP requires *“all development proposals should ensure opportunities are taken to retain, protect and enhance biodiversity and geodiversity features proportionate to their scale, through site layout, design of new buildings and proposals for existing buildings with consideration to the construction phase and ongoing site management”*. Local policy S61 goes on to state that *“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”*.

It has not been demonstrated that opportunities have been taken to retain, protect and enhance biodiversity and geodiversity features on the site and does not deliver a 10% measurable biodiversity net gain and the proposal does not accord with policy S61 of the CLLP.

### Conclusion

The decision has been considered against policies S1: The Spatial Strategy and Settlement Hierarchy, S5: Development in the Countryside, S12: Water Efficiency and Sustainable Water Management, S21: Flood Risk and Water Resources, S34: Non-designated Employment Proposals in the Countryside, S47: Accessibility and Transport, S49: Parking Provision and S53: Design and Amenity, S60: Protecting Biodiversity and Geodiversity and S61: Biodiversity Opportunity of the Central Lincolnshire Local Plan. Policies 1: The Rural Character and Distinctiveness of the Parish, 4: Business and Service Development and 5: Environment and Countryside of the Keelby Neighbourhood Plan and the provisions of the National Planning Policy Framework.

In light of this assessment it is considered that the development is not acceptable and refused for the following reasons:

1. The site is located within the countryside and It has not been demonstrated the need for a new business in this countryside location nor that there are any special circumstances which would clearly outweigh the harm caused by siting a new business within the countryside.
2. The unauthorised development represents an inappropriate form of development within the countryside and would be harmful to the rural character and setting of Keelby.
3. It has not been demonstrated the opportunities have been taken to retain, protect and enhance biodiversity and geodiversity features on the site and does not deliver a 10% measurable biodiversity net gain. The applicant has not demonstrated that there are any very special circumstances which would

clearly outweigh the harm caused by inappropriateness and other harm in this case.

The proposal is therefore contrary to policies S5, S43, S53 and S61 of the Central Lincolnshire Local Plan, policies 1, 4 and 5 of the Keelby Neighbourhood Plan and the provisions of the National Planning Policy Framework.

**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.