

Officers Report

Planning Application No: 148165 (WL/2024/00270)

PROPOSAL: Planning application to erect 2no. dwellings.

LOCATION: Land adjacent to Grange Farm, Sandy Lane, Tealby

WARD: Market Rasen

WARD MEMBERS: Cllr S Bunney, Cllr E L Bennett & Cllr M K Westley

APPLICANT NAME: Mr Rick Woodall

TARGET DECISION DATE: 13/09/2024

DEVELOPMENT TYPE: Minor - Dwellings

CASE OFFICER: Richard Green

RECOMMENDED DECISION: Grant with conditions attached.

This application has been referred to the Planning Committee as it would represent a departure from Policy S1 (The Spatial Strategy and Settlement Hierarchy) and Policy S5 (Development in the Countryside) of the Central Lincolnshire Local Plan. There is also an objection from Tealby Parish Council.

Description:

The application site is located in the open countryside approximately 1.1 km to the south west of Tealby. The site is accessed off Sandy Lane and comprises a large steel portal framed agricultural building and concrete hardstanding. To the north and south of the site are open fields, to the south west is a dwelling converted from a former stable block (M05/P/1040) and to the east is another steel portal framed which was storing grain when a site visit was undertaken on the 14/06/2024 (the agent has confirmed that there is no grain dryer in this building). The nearest neighbouring dwelling is Grange Barn located approximately 10.7 metres from the south west corner of the site. The site is located within an Area of Great Landscape Value (AGLV) and there is a Public Right of Way (Teal/149/1) located approximately 26 metres to the south of the site.

The application seeks to remove the existing building on the site and erect 2 attached 2 storey (with single storey elements) dwellings utilising a traditional design and materials in the form of a traditional agricultural barn 'courtyard'. Plot 1 the northernmost dwelling is a 2 bed dwelling with an integral single garage in its single storey wing (off the west elevation of the 2 storey part of the proposed dwelling) and Plot 2 is a 3 bed dwelling which also has an integral single garage in its single storey wing (off the west elevation of the 2 storey part of the proposed dwelling).

The existing access off Sandy Lane will be used with one of the dwellings (Plot 1) accessed from the north off the existing track and the other dwelling (Plot 2) accessed off a new access track located to the north east of the dwelling. Each of the proposed dwellings will have garden areas to the west and there will be parking and turning areas to the north of Plot1 and to the south of Plot 2.

An amended Site Location Plan (red line) and Proposed Site Layout/Block Plan (includes LCC Highways Specifications) and have been re-consulted upon.

Departure Procedure: The application has been advertised as a departure from the local plan in line with Section 15 (2) of the TCPA Development Management Procedure Order 2015¹ a site notice was displayed on 14/06/2024 and a notice has been placed in the local newspaper on 19/06/24. The advertisement of the departure therefore meets the provisions of Section 15 of the DMPO.

Relevant history:

145974 - Prior approval for proposed change of use from agricultural building to 2no. dwellings. Granted 23/01/2023.

Representations

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

Tealby Parish Council: The parish council object to this application on the grounds of its size and because the development extends beyond its curtilage.

Local residents: No representations received to date

LCC Highways/Lead Local Flood Authority: Requests that the Local Planning Authority request the applicants to provide additional information as set out below:

Please request the applicant demonstrate access improvements in line with current LCC specifications.

An amended Site Location Plan (red line) and Proposed Site Layout/Block Plan (includes LCC Highways Specifications) and have been re-consulted upon. LCC Highways have stated that the amended plans are now satisfactory.

LCC Archaeology: The site is just south of the medieval settlement of Tealby Thorpe. It is likely that the site area was agricultural in nature as the settlement core does not seem to extend this far south. No archaeological input is required for this application

Health and Safety Executive: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case. The site is located within the buffer zone of the following pipelines:

- 7039_1310 National Grid Gas PLC
- 4455752_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

The Ramblers Association: No representations received to date.

National Grid Plan Protection: No representations received to date.

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 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 S11: Embodied Carbon

Policy S12: Water Efficiency and Sustainable Water Management

Policy S14: Renewable Energy

Policy S20: Resilient and Adaptable Design

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 S60: Protecting Biodiversity and Geodiversity

Policy S61: Biodiversity Opportunity and Delivering Measurable Net Gains

Policy S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value

Policy S66: Trees, Woodland and Hedgerows

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

Neighbourhood Plan

No plan currently being prepared.

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

- **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>

Case Law

Court of Appeal (Mansell v Tonbridge and Malling Borough Council 2017) judgement:

This case upheld a judgement of the High Court which considered the issue of “was the council entitled to accept that there was a real prospect of the fallback development being implemented?”

– The case was “should the judge in the court below have quashed a local planning authority’s grant of planning permission for the redevelopment of the site of a large barn and a bungalow to provide four dwellings?. That is what we must decide in this appeal. It is contended that the authority misdirected itself in considering a “fallback position” available to the landowner, and also that it misapplied the “presumption in favour of sustainable development” in the National Planning Policy Framework (“the NPPF”)

– Paragraph 28 states that “In this case, in the circumstances as they were when the application for planning permission went before the committee, it was plainly appropriate, indeed necessary, for the members to take into account the fallback available to the East Malling Trust as the owner of the land, including the permitted development rights arising under Class Q in the GPDO and the relevant provisions of the development plan, in particular policy CP14 of the core strategy. Not to have done so would have been a failure to have regard to a material consideration, and thus an error of law.”

– Paragraph 28 (3) considers the “real prospect of the fallback position: “Therefore, when the court is considering whether a decision-maker has properly identified a “real prospect” of a fallback development being carried out should planning permission for the proposed development be refused, there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand.”

Paragraph 29 states “that the East Malling Trust was intent upon achieving the greatest possible value from the redevelopment of the site for housing had by then been made quite plain. The “Planning Statement” of December 2013 had referred to two alternative proposals for the redevelopment of the site (paragraph 26), pointing out that both “[the] redevelopment and replacement of [the] bungalow” and “[the] conversion of the existing storage and packing shed” were “permissible in principle”

(paragraph 35). The firm intention of the East Malling Trust to go ahead with a residential development was entirely clear at that stage.”

Paragraph 37 concludes that *“In my view, therefore, the council was entitled to accept that there was a “real prospect” of the fallback development being implemented, and to give the weight it evidently did to that fallback as a material consideration. In doing so, it made no error of law.”*

Main issues:

- Principle of the Development
- *Fallback Position*
- *Does the Fallback Position Exist?*
- *Planning Harm?*
- *Energy Efficiency/Embodied Carbon*
- *Ecology & Biodiversity*
- *Conclusion*
- Visual Impact (AGLV)
- Residential Amenity
- Highway Safety and Car Parking
- Foul and Surface Water Drainage
- Landscaping and Boundary Treatments
- 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.

The proposed development is located within the open countryside and therefore falls within Tier 8 of the settlement hierarchy established by Policy S1 which is only supportive in principle of the following types of development:

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*

Part D of Policy S5 is only supportive in principle of the erection of new dwellings in the countryside when the following can be demonstrated:

- 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.*

Any such development will be subject to a restrictive occupancy condition.

The proposed development is for the erection of two dwellings to be sold on the open market and it is not considered that this would accord with any of the criteria in S5 Part D outlined above. As such, it is considered that the proposed development would be contrary to both Policies S1 and S5 of the CLLP. The main consideration is therefore whether there are any material planning considerations which indicate that a departure from the Local Plan can be justified..

Fallback Position

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. The main consideration is whether the relevant site-specific material considerations which will be assessed below would outweigh a departure from the Policies S1 and S5.

The argument in favour of the proposed development hinges on whether there is a 'real prospect' of a permitted development fallback position 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. *Mansell v Tonbridge and Malling Borough Council* [2017] EWCA Civ 1314¹ (see earlier in report) is the most relevant piece of case law which discusses this matter. 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 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 also material planning considerations which should be afforded due weight depending upon the individual circumstances of each application. 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?

Prior approval on the application site was been granted (145974 - see plans Figures 1-3 below) on the 23/01/2023 for a Class Q development for the proposed change of use from an agricultural building (an existing large modern steel portal framed building) to 2no. dwellings.

Having regard for the Class Q fallback position, it is considered that a real prospect of a fallback position does exist and were planning permission to be refused, this fallback position has a real prospect of being implemented.

Figure 1 - Class Q (145974) Proposed Site Layout/Block Plan



Figure 2 – Class Q (145974) Proposed Elevations

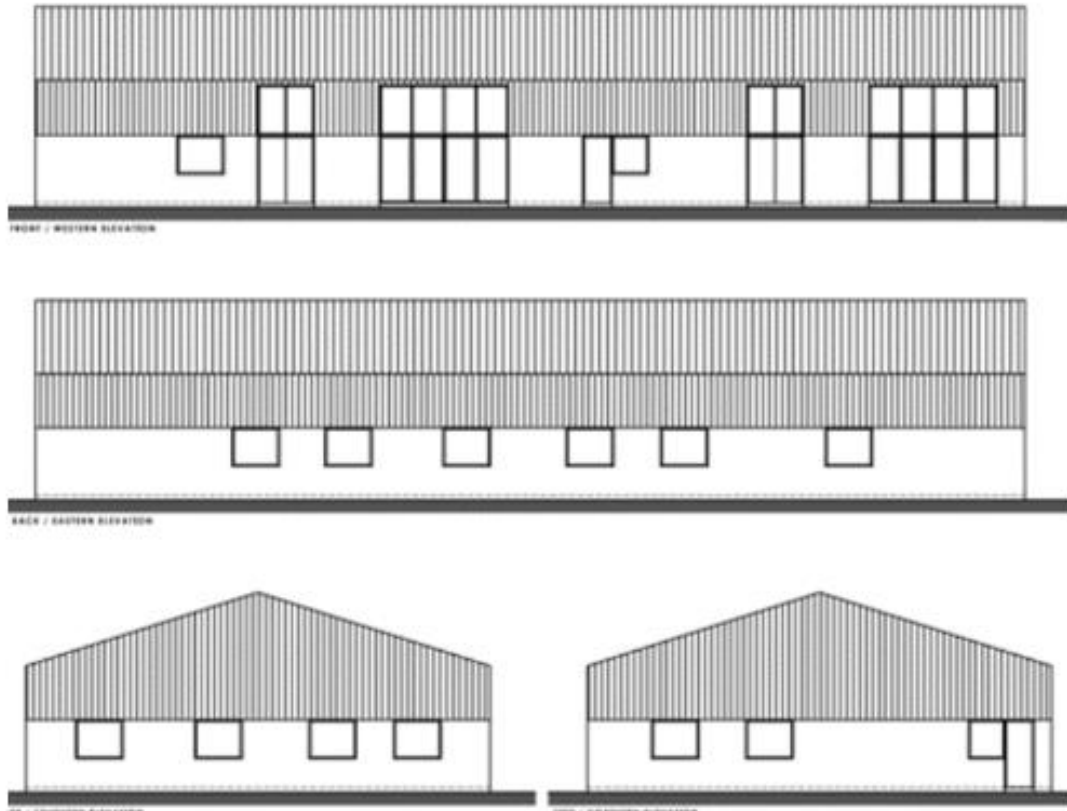


Figure 3 - Class Q (145974) Proposed Floor Plans



Planning Harm?

The main focus of this section will be whether the Class Q fallback position established by 145974 is equal to, or more harmful than, the current proposal.

The current development has earlier in the report been demonstrated as being in conflict with Policies S1 and S5 of the CLLP. Class Q applications are not subject to consideration against Development Plan policies.

In terms of location, It is considered that both proposals are equally harmful within the Settlement Hierarchy established by Policy S1 and the fallback position allowing for the conversion of an agricultural building in the countryside with no architectural or historic merit (Policy S5).

The level of harm resulting from the current development on the character and appearance of the area relative to the fallback position afforded by Class Q is considered to be less harmful. The current scheme has a similar curtilage to the Class Q approval and will remove the large modern steel portal framed agricultural building on the site and replace it with a traditional one and two storey courtyard style development in the form of traditional agricultural buildings with traditional materials which will be conditioned if it is minded to grant planning permission.

The proposed dwellings two storey elements have a ridge height of approximately 7.5 metres and an eaves height of 4.9 metres. The single storey elements have a ridge height of approximately 5 metres and an eaves height of 2.7 metres. The proposed building will be double fronted in effect with a eastern frontage and a frontage to the west facing out onto the courtyard gardens. Car parking will be provided for Plot 1 to the north and Plot 2 to the south. The proposal is particularly beneficial when compared to the Class Q (145974) fall back to convert the existing large steel portal framed building on this site to dwellings as the site is located in an Area of Great Landscape Value (AGLV). and the current proposal will be much more in keeping with its surroundings and the converted barns to the west.

Therefore, it is considered the current scheme is less harmful than the scheme approved under the Class Q (145974) and will offer a real enhancement to the site in terms of visual amenity and design quality which will also have the added benefit of improving the outlook of nearby residential dwellings (see visual impact and residential amenity sections of this report below).

There is also two other considerations in favour of the current scheme which relates to the overall energy efficiency of the proposed development and Bio-diversity net gain:

Energy Efficiency/Embodied Carbon

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;*
- 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.*

The proposed development will have an average space heating demand of **34.165 kWh/m²/year**, and a total average energy demand of **17.14 kWh/m²/year**, achieved through a 'fabric first' approach to construction.

In conjunction with the installation of air source heat pumps, it is also suggested that Solar Panels be installed to generate additional renewable electricity, to match at least the energy demands of the development as a whole.

The total energy demand for the site would be **9040.16kWh/year**, with a plot average of **4520.08kWh/year**. In comparison, the combined provision of PV panels across the 2no plots is due to generate **9317.08kWh/year**, with a plot average of **4658.54kWh/year**. As such, the renewable energy generated by the solar panels would exceed the energy demand for the year and would generate an extra **276.92kWh/year** of renewable energy for the site, which is a plot average of **138.46kWh/year**.

The applicant has also provided the following supporting information:

'The existing agricultural building on the site has extant prior approval permission for the construction of 2no dwellings under Class Q (ref: 145974). The existing agricultural building comprises a steel frame, along with metal profile and timber cladding, and concrete fibre sheets to the roof. Therefore, the existing building is uninsulated and thermally inefficient. As such, to construct the 2no dwellings approved under the Class Q, the existing building would require significant work to ensure that a suitable thermal efficiency is achieved. This would result in extensive works to be undertaken, including the construction of a wall incorporating insulation within the existing frame, the removal of the existing floor and construction of a new insulated floor.

The proposed scheme looks to demolish the thermally inefficient existing building, as the amount of work required to convert the steel frame into 2no dwellings which are thermally efficient is unviable due to cost and labour implications. As such, the scheme will provide 2no highly energy efficient dwellings to current energy efficiency standards, each of which have an anticipated energy efficiency A rating. It is also proposed that each dwelling will have an ASHP along with solar PV installed on the roof. Due to the nature of the works to construct 2no new dwellings, it is assumed that the air tightness of such dwellings would be better / higher than that if the existing building was to be converted, therefore assuming that the energy efficiency of the new dwellings would surpass that of the approved scheme.

Replacing the building completely with new energy efficient dwellings will not only be much simpler in buildability and financial terms, but it will also be far more efficient than a large number of superfluous alterations could provide and will more adequately accord with the requirements of Policy S11.'

There is no mechanism for the Local Planning Authority to guarantee or enforce that the fallback scheme achieves the same standard of energy efficiency. A full planning permission also allows for conditions to be imposed to completely restrict the use of piped natural gas or other fossil fuel systems such as diesel generators (the Energy Statement itself can be conditioned).

The high standard of thermal efficiency and low overall energy demand of the proposed development which is met through the installation of Air Source Heat Pumps and Solar Panels is considered to exceed the requirements of Policy S7 and would accord with both criteria 2 and 4 of Policy S11 over the lifetime of the development through lower lifetime carbon emissions. The Energy Statement will be conditioned accordingly as well as a verification condition if it is minded to grant permission

For these reasons, it is considered that the proposed development would.

accord with Policies S6, S7 and S11 of the CLLP. The proposed development will achieve an average space heating demand and total energy demand below the optimal standard outlined within Policy S7 which the fallback scheme will not achieve.

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 at least 10% net gain in biodiversity wherever possible. These requirements are also contained within paragraph 180 of the NPPF. Given that the requirements of Policies S60 and S61 are consistent with the NPPF, they are afforded full weight. Paragraph 186 states further that some harm to biodiversity is permitted but where there is significant harm, planning permission should be refused.

The proposed development has been accompanied by a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net Gain calculation which has concluded that a net gain of 14.57% could be achieved as the proposed site is mainly given over to concrete hardstanding and a large steel portal framed building with a concrete floor and the proposed plans show the removal of the concrete and garden areas to the west of the proposed dwellings.

The proposed Site Layout/Block Plan (Drawing No. LDC4041-201B dated 09/08/2024) 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 CLLP 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.

Conclusion

Although the proposed development would be contrary to Policy S1 and S5 of the CLLP, it is considered that there is a real prospect of a fallback position afforded by Schedule 2 Part 3 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Having regard to the case law and appeal decision referenced above, it is considered that for the reasons explained in this report, the proposed scheme would be an enhancement to the Class Q fallback development.

It is considered that the enhancement of the site compared with the scheme proposed under the Class Q fallback, the standard of design, bio-diversity net gain and a high standard of thermal efficiency combined with the real prospect of a fallback position, would outweigh the harm of the development conflicting with Policies S1 and S5 of the CLLP. The development can therefore be supported.

Visual Impact (AGLV)

The site is located within the countryside and is within an Area of Great Landscape Value (AGLV).

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.'*

Local Policy S62 states that development proposals within, or within the setting of, AGLV shall:

- e) conserve and enhance the qualities, character and distinctiveness of locally important landscapes; and
- f) protect, and where possible enhance, specific landscape, wildlife and historic features which contribute to local character and landscape quality; and
- g) maintain landscape quality and minimise adverse visual impacts through high quality building and landscape design; and
- h) demonstrate how proposals have responded positively to the landscape character in relation to siting, design, scale and massing and where appropriate have retained or enhanced important views, and natural, historic and cultural features of the landscape; and
- i) where appropriate, restore positive landscape character and quality.

The proposed dwellings will replace an existing large steel portal framed agricultural building and concrete hardstanding with two semi-detached two storey and single

storey dwellings which have been sensitively designed to look like traditional agricultural barns in a 'courtyard' arrangement.

It is considered that the overall nature, scale and external appearance of the development will improve the visual impact of the site and create a noticeable betterment with the proposed dwellings complementing the existing traditional buildings to the west of the site which include converted agricultural barns. This betterment will also lead to this part of the Area of Great Landscape Value (AGLV) being visually enhanced.

No specific details have been provided in regards to the proposed external materials and boundary treatments which be conditioned if it is minded to grant permission.

It is therefore considered that the proposal as a whole subject to conditions will not be expected to unacceptably harm the character and appearance of the locality including the street-scene and countryside which is within an AGLV. The proposed 2 dwellings in the form of a traditional agricultural barns in a courtyard arrangement would be an improvement in terms of visual impact of the dwellings approved in the fall back position (145974) to convert the existing steel portal framed building. The proposal complies with the NPPF and Policy S53 and S62 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.

The proposed dwellings two storey elements have a ridge height of approximately 7.5 metres and an eaves height of 4.9 metres. The single storey elements have a ridge height of approximately 5 metres and an eaves height of 2.7 metres.

The nearest part of the two storey elements of the proposed dwellings is located approximately 31.5 metres to the north east of the closest neighbouring dwelling (Grange Barn, Sandy Lane) and the single storey elements are located approximately 19.5 metres away from this neighbouring dwelling. Therefore, there are no issues of overlooking or loss of light.

The proposed west elevation will have a door, two sets of French doors with flanking windows and a window at ground floor level and 5 windows (to corridors and bedrooms) at first floor which will overlook the gardens afforded the proposed dwellings. The north elevation will have three windows and a door with a flanking window and a garage door at ground floor level which will overlook the access and car parking afforded Plot 1 with countryside beyond. The south elevation will have two ground floor windows and a door which will overlook the car parking afforded Plot 2 with trees and the access to neighbouring dwellings beyond.

The proposed east elevation is located approximately 4 metres away from a steel portal framed grain store (the agent has confirmed that there is no grain dryer in this building) which runs alongside approximately 17.5 metres of the 27.5 metre length of this elevation. This elevation will have four windows at ground floor level and an external staircase leading to a first floor door and there are also five other windows proposed on the first floor. This elevation will overlook the aforementioned grain store and hardstanding to the north of this building with the staircase also affording views of the countryside to the north.

There are also ground floor openings in the single storey wings looking into the courtyard/gardens afforded the proposed dwellings. There are no overlooking issues.

It is therefore considered that the proposal as a whole will not unacceptably harm the residential amenity of neighbouring occupiers or the future occupants of the proposed dwellings in compliance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

Highway Safety and Car Parking

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. Policy S49 states that all development apart from residential should incorporate a level of car parking that is suitable for the proposed development taking into account its location, its size and its proposed use, including the expected number of employees, customers or visitors.

The application seeks to remove the existing building on the site and erect 2 attached 2 storey dwellings (with single storey elements) Plot 1 to the north is a two bed dwelling and will be accessed from the existing access off Sandy Lane which will lead to an area of hardstanding to the north of the proposed dwelling for car parking and turning areas. The dwelling also benefits from an integral single garage.

Plot 2 to the south is a 3 bed dwelling and will also utilise the existing access off Sandy Lane but a new access track will be created off the existing access to the north east of the dwelling which will lead to an area of hardstanding for car parking and a turning areas to the south of the dwelling. The dwelling also benefits from an integral single garage.

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.

Lincolnshire County Council Highways have raised no concerns in relation to highway safety.

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 and the NPPF.

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 package treatment plant 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

Landscaping and Boundary Treatments

The comprises a large steel portal framed agricultural building and concrete hardstanding.

It is proposed to have landscaping/gardens to west of the proposed dwellings and boundary treatments to separate the plots although no exact details have been provided for the proposed landscaping or boundary treatments. Therefore, if it is minded to grant permission appropriate conditions will be attached to the decision notice to secure full landscaping and boundary treatment details.

Subject to conditions the landscaping and boundary treatments of the site are therefore acceptable and accords to local policy S53 of the CLLP and the provisions of the NPPF.

Other Matters:

Contamination

The previous agricultural use on the site could have led to contamination of the ground. A precautionary contamination condition is considered reasonable and necessary to accord to Policy S56 of the Central Lincolnshire Local Plan and the provisions of the National Planning Policy Framework.

It is considered that policy S56 is consistent with the contamination guidance of the NPPF and can be attached full weight.

Gas Pipeline Buffer Zones:

The proposal sits within the following gas pipeline buffer zones:

- 7039_1310 National Grid Gas PLC
- 4455752_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

If it is minded to grant permission an advisory note will be attached to the decision notice advising the applicant to contact the owner of the pipeline prior to development commencing.

Public Right of Way:

Public Right of Way (Teal/149/1) is located approximately 26 metres to the south of the site. The proposal would not be detrimental to existing users and potential future users of the nearby Public Right of Way. In fact the assessed enhancement of the proposed development in this application would enhance the experience when using the Public Rights of Way.

Permitted Development Rights

The following permitted development rights will be removed if it is minded to grant permission. The buildings shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, no porches, no outbuildings, no hard surfaces, no chimneys and flues, no microwave antenna and no new gates, walls or fences shall be erected.

This will enable such proposals to be assessed in terms of their impact on the host dwelling/the resulting amount of space around the host dwelling and to safeguard the character and appearance of the building and its surroundings in this countryside location in accordance with Policies S1 and S5 and S53 of the Central Lincolnshire Local Plan.

Conclusion:

The proposal has been considered in light of relevant development plan policies namely 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, S11: Embodied Carbon, S12: Water Efficiency and Sustainable Water Management, S14: Renewable Energy, 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, S60: Protecting Biodiversity and Geodiversity, S61: Biodiversity Opportunity and Delivering Measurable Net Gains, S62: Area of Outstanding Natural Beauty and Areas of Great Landscape Value and S66: Trees, Woodland and Hedgerows of the Central Lincolnshire Local Plan and 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.

In light of this assessment it is considered that the enhancement of the site compared with the scheme proposed under the Class Q fallback, the standard of design, bio-diversity net gain and a high standard of thermal efficiency combined

with the real prospect of a fallback position, outweigh the conflict with Policies S1 and S5 of the CLLP and that development can be supported.

The proposed development will also not unacceptably harm the character and appearance of the street-scene or countryside, nor the living conditions of neighbouring occupiers. The proposal will also not unacceptably harm the local highway and would not be unacceptably harmful to existing users and potential future users of the nearby Public Right of Way.

RECOMMENDATION- Grant planning permission with the following 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:

2. Prior to the commencement of the development, a 30-year Biodiversity Net Gain Management and Maintenance Plan & Landscape Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This shall include the following details:

- Details of the size, species, planting arrangement and position of all trees, hedgerows and other vegetation to be planted in accordance with the details in the submitted Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024) and Drawing No. LDC4041-201B dated 09/08/2024)
- Details of boundary treatments (including boundaries within the site) and hardstanding.

The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the biodiversity net gain measures are maintained for a 30-year period and a landscaping scheme is implemented to enhance the development in accordance with the NPPF and Policies S53, S60 and S61 of the Central Lincolnshire Local Plan.

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

3. 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: Drawing No. LDC4041-201B dated 09/08/2024, LDC40923-202 Rev B dated February 2024 and LDC40923-200 Rev B dated 08/08/2024. 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 in the interests of proper planning.

4. No development, other than to foundations level shall take place until the following external materials (including the colour finish, type and manufacturer details) have been submitted to and approved in writing by the local planning authority:

- Roofing Material's.
- Details of Window and Doors including sectiond drawings at 1:20 scale.
- Rainwater Goods.
- A 1 metre square sample panel of the proposed new stonework/brickwork, showing the coursing of the stonework/brickwork, colour, style and texture of the mortar and bond of the stonework/brickwork shall be erected on site for inspection and shall be retained on site until the new development is completed.
- A metre square panel of pointing with the specification identified.

The development shall thereafter be constructed in accordance with the approved details and retained as such thereafter.

Reason: To ensure the use of appropriate materials to safeguard the character and appearance of the locality in accordance with the NPPF and Policy S53 of the Central Lincolnshire Local Plan.

5. No development, other than to foundations level shall take place until a scheme for the disposal of foul and surface waters (including the results of soakaway/percolation tests) have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details and shall be fully completed prior to occupation of the dwellings and retained as such thereafter.

Reason: To ensure adequate drainage facilities are provided to serve the development in accordance with Policy S21 of the Central Lincolnshire Local Plan.

6. New hardstanding shall be constructed from a porous material and shall be retained as such thereafter.

Reason: To ensure appropriate drainage to accord with the National Planning Policy Framework and Policy S21 of the Central Lincolnshire Local Plan

7. The development hereby permitted shall be undertaken in accordance with the details set out in the submitted Energy Statement (Lincs Design Consultancy dated 03/05/2024) unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt this includes the standards set for the performance of the fabric of the building, the utilisation of air source heat pumps, solar panels and mechanical ventilation with heat recovery.

Reason: In order to ensure efficient buildings and reduce energy consumption, in accordance with Policies S6 and S7 of the Central Lincolnshire Local Plan.

8. Prior to occupation of the dwellings hereby permitted, a written verification statement shall be submitted to demonstrate that the approved scheme has been implemented in full, in accordance with the submitted Energy Statement (Lincs Design Consultancy dated 03/05/2024) 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.

9. The development hereby permitted shall be undertaken in accordance with the mitigation and enhancements in the following ecological documents:

- Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024)

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policy S60 and S61 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

10. No development, other than to foundations level shall take place until details of the position of the bat bricks and bird boxes, as per the recommendations of the Preliminary Ecological Appraisal and Biodiversity Net Gain Assessment for 'Land off Sandy Lane, Tealby' (KJ Ecology Ltd June 2024) has been submitted to and approved by the Local Planning Authority. The approved bat bricks and bird boxes must be installed prior to occupation of the site and retained as such thereafter.

Reason: To ensure that a landscaping scheme to enhance the development is provided in accordance with Policy S60 and S61 of the Central Lincolnshire Local Plan and the National Planning Policy Framework.

11. 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 and the water environment as recommended in accordance with Policy S56 of the Central Lincolnshire Local Plan and the National Planning Policy Framework

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

12. 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. Without express planning permission from the Local Planning Authority.

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

13. All planting and turfing approved in the Biodiversity and Landscape Management Plan under condition 2 shall be carried out in the first planting and seeding season following the completion of the development, whichever is the sooner; and any trees or hedging which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping should be retained thereafter.

Reason: To ensure the site is visually softened by appropriate methods in accordance with the National Planning Policy Framework and Policies S53 and S57 of the Central Lincolnshire Local Plan.

14. Notwithstanding the provisions of Classes A, AA, B, C, D, E, F, G, H of Schedule 2 Part 1 and Class A of Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order, the buildings hereby permitted shall not be altered or extended (including the installation of solar panels), no new windows shall be inserted, no porches, no outbuildings, no hard surfaces, no chimneys and flues, no microwave antenna and no new gates, walls or fences shall be erected unless planning permission has first been granted by the Local Planning Authority.

Reason: To enable any such proposals to be assessed in terms of their impact on the living conditions of the proposed dwelling/the resulting amount of space around the proposed dwelling and to safeguard the character and appearance of the host dwelling(s) and its surroundings in accordance with the NPPF and Policy S1, S5 and S53 of the Central Lincolnshire Local Plan.

Notes to the Applicant

Condition No.2

Please refer to the guidance provided under the following link:

<https://www.gov.uk/guidance/biodiversity-net-gain#determination-of-the-planning-application>

Gas Pipeline Buffer Zones:

The proposal sits within the following gas pipeline buffer zones:

- 7039_1310 National Grid Gas PLC
- 4455752_ Cadent Gas Ltd Hemswell Cliff Biomethane Pipeline

It is advised that the applicant contact the owner of the pipelines prior to development commencing.

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.