

**[8]** Full Planning Permission

S/035/00909/ 23

**APPLICANT:** Mr. J. Parker,

**VALID:** 25/04/2023 **AGENT:** Andrew Clover Planning and Design,

**PROPOSAL:** Planning Permission - Erection of a dwelling which incorporates the existing agricultural barn.

**LOCATION:** PROCTORS FARM, SANDY BANK, CONINGSBY MOORSIDE

## **1.0 REASONS FOR COMMITTEE CONSIDERATION**

1.1 The application has been subject to a call in request by Councillor Martin Foster given local interest, the site's planning history and it's conflict with planning policy.

## **2.0 THE SITE AND SURROUNDINGS**

2.1 The application site lies outside of the built area of Coningsby (defined by SP1 of the East Lindsey Local Plan as a town), occupying an open countryside location within the parish. The site comprises of a redundant brick built agricultural building with a large pole barn attached, with a corrugated metal sheeted roof which is in a state of disrepair.

2.2 South of those buildings is another building previously used as a dwelling again in a state of disrepair half hidden in the overgrown greenery. The roof of the former dwelling has collapsed with only the end gable wall remaining.

2.3 The site is accessed directly from Moorside Road with an existing grassed agricultural entrance and is surrounded on each boundary by flat open fields. The site is screened from the road by an approximately 3 metre high hedge.

2.4 The site is within Flood Zone 1 - Low Risk.

## **3.0 PROPOSED DEVELOPMENT**

3.1 This application seeks planning permission for the erection of a dwelling which would incorporate the existing agricultural barn.

3.2 The proposals propose the erection of a large, detached house on the site of the existing pole barn, which would be demolished, but incorporating the brick built agricultural building. The remnants of the former dwelling are also proposed to be demolished.

3.3 The proposed house would be two storeys with the existing barn being utilised to provide a single storey room to the north west elevation and a further second single storey new build element to the west elevation.

3.4 The existing access would be utilised with hardstanding for the first 5 metres and the remaining drive, parking and turning area gravelled.

## **4.0 CONSULTATION**

- 4.1 Set out below are the consultation responses that have been received on this application. These responses may be summarised, and full copies are available for inspection separately. Some of the comments made may not constitute material planning considerations.

### **Publicity**

- 4.2 The application has been advertised by means of a site notice and neighbours have been notified in writing. The application has also been advertised in the press as affecting the setting of Public Footpath no. 221.
- 4.3 It should be noted that the application is currently subject to a further period of consultation/publicity to advertise for the aforementioned public footpath. That publicity period runs beyond the date of this committee meeting, but, given the level of publicity already undertaken, the application is considered appropriate for committee consideration now, for reasons of expediency. In the event that any new material planning matters were to arise as part of this consultation the application can be bought back before Committee members for further consideration.

### **Consultees**

- 4.1 CONINGSBY PARISH COUNCIL - Support.
- 4.2 TUMBY PARISH COUNCIL - Not received at the time of writing report.
- 4.3 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - No objections but suggests informative be added in relation to the improvements to access.
- 4.4 ENVIRONMENTAL HEALTH (CONTAMINATION) - Potential contamination noted and a Phase 1 study suggested, however, can be secured by condition.

### **Neighbours**

- 4.5 One representation received providing advisory comments in relation to swifts and requesting provision of swift bricks within the proposal.
- 4.6 In addition 9 no. letters of support were submitted by the applicant's agent as part of the initial submission on the basis that the proposal would tidy up the site, would be an enhancement to the area and add value to the locality.
- 4.7 The Ward Councillor is aware of the application via the Weekly List.

## **5.0 RELEVANT PLANNING HISTORY**

- 5.1 S/035/02447/22 - Erection of a dwelling which incorporates the existing agricultural barn. WITHDRAWN.

## **6.0 PLANNING CONSIDERATIONS**

### **Planning Policy:**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan comprises of the East Lindsey Local Plan (adopted 2018), including the Core Strategy and the Settlement Proposals Development Plan Document; and any made Neighbourhood Plans. The Government's National Planning Policy Framework (NPPF) is a material consideration.

### **East Lindsey Local Plan:**

SP1 - A Sustainable Pattern of Places - sets out a typology of settlement within the district and confirms the site as lying within an open countryside location.

SP2 - Sustainable Development - mirrors the NPPF approach of a presumption in favour of sustainable development.

SP3 - Housing Growth and the Location of Inland Growth - confirms Coningsby as a more sustainable settlement within the district wherein there is support for housing growth to be delivered on allocated sites and on suitable windfall sites. The policy effectively confirms that this site would not be an appropriate location within the terms of the policy for provision of housing.

SP8 - Rural Exceptions - advises of the exceptional circumstances when housing in rural locations may be supported (this proposal does not satisfy those exceptions)

SP10 - Design - seeks to ensure good design outcomes

SP16 - Inland Flood Risk - seeks to ensure flood risk is appropriately considered

SP22 - Transport and Accessibility - seeks to ensure accessibility and isolation in the district is reduced.

SP23 - Landscape - provides a policy basis for considering landscape impacts

SP24 - Biodiversity and Geodiversity - amongst other things, seeks to protect and enhance the biodiversity and geodiversity of land and buildings.

### **National Planning Policy Framework**

## **7.0 Officer Assessment:**

- 7.1 The main planning issues in this case are considered to be:-
- The principle of residential development in this location

- Design
- Impact on residential amenity
- Ecology and biodiversity
- Contamination
- Highway Safety

## 7.2 **The principle of residential development in this location**

7.3 The proposal seeks planning permission to erect a new dwelling in an open countryside location which is at some distance from Coningsby. There is no suggestion that the proposed dwelling is required for the essential need of a rural worker such that the proposal is considered to be clearly in conflict with adopted policy and sustainable principles for the location of new housing. Furthermore, paragraph 80 of the NPPF confirms that planning decisions should avoid the development of isolated homes in the countryside (which this proposal would be) other than in certain situations. For the majority of those, it is not considered that those situations apply. To clarify further, the proposal would not satisfy an essential need for a rural worker, the existing building is not considered to be a heritage asset so there is no need for enabling development to safeguard its future, it does not provide for subdivision of an existing residential building and it is not a proposal where the design is of exceptional quality, in that it would be truly outstanding or reflect the highest standards in architecture.

Paragraph 80 does also provide support for proposals that would re-use redundant or disused buildings and enhance their immediate setting, but those circumstances equally, do not apply to this case as the proposal is not that of a conversion.

7.4 In support of the application, it is suggested that the proposal should be considered as providing a replacement dwelling. To the south of the agricultural buildings lie the remains of what has been identified as a former dwelling which is in a dilapidated state with the roof having collapsed and the only full wall remaining being the eastern elevation adjacent to the road. The remains are overgrown and largely buried beneath ivy.

7.4 There is no specific policy in the Local Plan relating to the provision of 'replacement dwellings' but the general stance of this authority has been to support such proposals in principle, as the resulting development would not unduly compromise the Council's housing strategy or increase the number of dwellings in unsustainable locations.

7.5 The peculiarity for this proposal, however, is that the former dwelling, particularly by reference to its condition, may have been abandoned and no longer benefit from lawful use rights as a dwelling. In such circumstances, the proposal could not be considered as a replacement dwelling and as referenced above, would not satisfy locational and sustainable policy considerations for the provision of new dwellings.

The concept of abandonment, however, is complex and requires a

methodical assessment of the facts of any particular case and site. As an objective test relevant case law (Castell-y-Mynach Estate v SoS for Wales [1985]) concluded that there are four key factors for assessing abandonment. These are:

- The physical condition of a building
- Whether there has been an intervening use
- The period of non-use
- The owner's intentions

- 7.6 As described above, the physical condition of the building is undoubtedly poor. The applicant has indicated in the submitted Supporting Statement that the dwelling was held in probate for a period of seven years during which time no work was permitted to be carried out resulting in the condition of the dwelling deteriorating and the partial collapse which occurred in late 2021. No intervening use appears to have been carried out and the applicant has confirmed this. The submitted Planning Statement also stated the last occupation of the dwelling was believed to be over 30 years ago, however, through correspondence with the applicant and the owner of the site, it is now stated that the dwelling has not been lived in for approximately 15 years. Furthermore, it is suggested that due to the longevity of probate issues, the dwelling was unable to be maintained outside of the owner's control. There has been no evidence provided to confirm those claims, however. Furthermore, there are no current Council Tax records for the dwelling and no records to confirm when the property was last registered.
- 7.7 On balance, due to the lack of more robust evidence from the applicant's agent to confirm the four tests (referenced above) have been met, discussion with the Councils legal advisors suggests that the residential use of the site will have been 'lost' and that the application should be considered as for the erection of a new dwelling rather than a replacement dwelling.
- 7.8 In that respect, and to further clarify previous comment in this report, the application site lies in an open countryside location, away from the settlement of Coningsby. The town itself lies to the west of the site, approximately 3 miles away by road. Public Footpath no. 221 runs along the southern boundary of the site and provides a link through to the northern edge of Coningsby approximately 2.3km distant. It is, however, considered that is not a reasonable walking distance to access facilities and further confirms the unsustainable nature of the location.
- 7.9 It is therefore considered that the proposal would not satisfy requirements of adopted policy and would not constitute sustainable development as the proposal is for a dwelling in an open countryside location, a significant distance away from local services requiring residents to be unduly reliant on use of a private motor vehicle. The principle of development in this location is therefore contrary to both the aims of the Local Plan and the NPPF.

## 7.12 **Design**

7.13 SP10 of the East Lindsey Local Plan states that the Council will support well-designed sustainable development which maintains and enhances the character of the area and uses high quality materials. The layout, scale, massing, height and density should also reflect the character of the surrounding area.

7.14 The Planning Statement submitted with the application sets out that the design approach for the proposed dwellings is taken from agricultural buildings and small holdings. It is put forward that the proposed layout is one that is commonly seen in farmyards. The design of the proposed dwelling does reflect agricultural buildings to a certain extent and the existing barn which is to be incorporated retains its features including repointing of the existing brick work and the retention of T&P lettering on the gable end with a like for like profile sheeted replacement roof. Although the proposed dwelling is large in scale, it is not considered to be inappropriate for the size of the plot, utilising the existing space to provide suitable outdoor amenity areas. Consequently, it is considered that from a design perspective, the proposal would not adversely affect the character of the area and would potentially improve local visual amenity for what is currently an unsightly collection of buildings. The application detail proposes to retain the landscaping along the frontage of the site which would screen the development to a large extent from Moorside Road. Additional planting of trees along the southern boundary is also proposed, which would provide additional screening from the public footpath running along the southern boundary.

7.15 It is therefore accepted and considered that the proposed development would not result in an adverse impact on the character of the area and indeed, that there would be localised enhancement of visual amenity, given the existing site condition and design approach/detail proposed. This can be given some weight in the consideration of the proposal.

## 7.16 **Impact on residential amenity**

7.17 SP10 of the East Lindsey Local Plan sets out that development will be supported if it is designed to or unacceptably harm any nearby residential amenity.

7.18 There are no neighbouring properties bordering any of the boundaries of the site, the nearest being 'Sandy Bank Farm' positioned a sufficient distance north of the site and 'Meadow Farm' again positioned across the road a good distance south of the site. Given the separation distances and the residential aspect of the proposals it is not considered that there would be any adverse impacts on the amenities of either of those properties.

## 7.19 **Ecology and biodiversity**

7.20 Policy SP24 of the Council's Local Plan states that 'development

proposals should seek to protect and enhance the biodiversity and geodiversity value of land and buildings, and minimise fragmentation and maximise opportunities for connection between natural habitats'. The site is predominantly grassed with areas considered to be overgrown, especially surrounding the former dwelling. The hedgerow along the eastern and southern boundaries are considered to provide a verdant feature. There is no existing boundary treatment between the western boundary and the agricultural field beyond, however, a post and rail fence is proposed to be erected to separate the two. The plans indicate the hedging to the east and south is to be retained and an additional group of trees planted to the south along with individual native trees planted to the north providing foraging opportunities for various forms of wildlife.

7.21 An Ecology Survey was undertaken by CGC Ecology in October 2022. The survey noted that there is moderate potential for roosting bats within the existing barn and a further survey would be required before any works are undertaken to the barn. Barn Owls also have links to the site and mitigation measures such as bat boxes and bird boxes would be required as part of the development. It was also noted that the existing hedge mentioned above would need to have any gaps filled in to maximise biodiversity and any trees/hedging planted would need to be of a native species.

7.22 **Contamination**

7.23 Considering the predominantly agricultural use of the site, there is a potential for contaminated land especially given that the proposed use is a 'sensitive-end' use. Environmental Health were consulted and recommended a Phase 1 Report be undertaken to further investigate the potential for contamination on site. During the site visit it was noted, however that there were no immediate indications of contamination on the site.

7.24 **Highways Safety**

7.25 The existing access would be utilised in the development and made good with appropriate hardstanding and gravel with adequate parking and turning areas within the site enabling occupiers to vacate the site in a forward gear. LCC as Local Highway Authority have raised no objections to the proposals but recommend improvements to the access appropriate for the development.

**8.0 CONCLUSION**

8.1 In conclusion, the application seeks permission for the erection of a dwelling in an open countryside and unsustainable location. A former dwelling on site appears to have been abandoned and insufficient evidence has been provided to refute that assessment. The provision of a new dwelling in this location would therefore be contrary to policy at both local and national levels, wherein new housing development is directed to more sustainable locations.

- 8.2 The proposal would, not result in an adverse impact on the character of the area and, it is accepted, could be considered to provide a degree of enhancement. That benefit can be given some weight in considering the planning balance, but the benefits would be localised only and are not considered sufficient to outweigh the in principle policy position.
- 8.3 There would be no adverse impact on neighbour amenities and the policy criteria for biodiversity net gain would be satisfied. Contamination at this stage, equally does not appear to pose any obvious concern and there are no adverse highways safety implications. These matters therefore carry neutral weight in considering the planning merits of the proposal.
- 8.4 As noted at 6.1 of this report, legislation requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The adopted Local Plan policy position effectively presumes against this proposal and the benefits identified are not considered to outweigh that presumption of sustainable development.

## **9.0 OFFICER RECOMMENDATION - REFUSE**

**RECOMMENDATION:** Refuse

for the following reasons:

- 1 The proposed development seeks permission for the erection of a dwelling in the open countryside, outside of a recognised settlement. The site therefore constitutes an unsustainable location for residential development and would not comply with the adopted policies of the East Lindsey Local Plan or the aims of the National Planning Policy Framework (NPPF). Furthermore, the proposal would not comply with any of the exceptions provided for in SP8 or as outlined in paragraph 80 of the NPPF. The proposal therefore constitutes unsustainable development contrary to SP1, SP2 and SP3 of the East Lindsey Local Plan and the National Planning Policy Framework.