

[06] Full Planning Permission

N/016/02026/ 23 **APPLICANT:** Mr. R. Hall,

VALID: 20/10/2023 **AGENT:** Lincs Design Consultancy Ltd,

PROPOSAL: Planning Permission - Change of use of land for the siting of 5no. holiday lodges and construction of internal access roads.

LOCATION: LAND SOUTH AND EAST OF BILSBY HALL, THURLBY ROAD, BILSBY

1.0 REASONS FOR COMMITTEE CONSIDERATION

1.1 The application is referred to committee due to the significant public interest arising from the neighbour objections and Parish Council objection.

2.0 THE SITE AND SURROUNDINGS

2.1 The site is located in the village of Bilsby. It comprises part of the grounds of Bilsby Hall, a non-designated heritage asset which lies south of Thurlby Road. Bilsby Hall which is in use as a dwelling, lies in its own extensive grounds which are landscaped with trees, a number of which are covered by tree preservation orders. The site was extended with additional land added to the south, this extended land forms the site of this application. The dwelling is connected to Thurlby Road by a 185m long driveway on which a further dwelling lies (The Gatehouse), this is within the ownership of the applicant. The site is surrounded by agricultural land to the south and west, neighbouring dwellings are to the north and east. Two grade II listed buildings lie close to the site entrance. The site lies in flood zone 1.

3.0 DESCRIPTION OF THE PROPOSAL

3.1 Planning permission is sought for the change of use of land for the siting of 5no. holiday lodges and construction of internal access roads.

2.2 The lodges would be sited on concrete bases on land to the south and east of Bilsby Hall. They would be accessed partly by existing internal roads and partly by new ones created. The lodges would be grouped into a group of 2 located to southwest of the site and a group of 3 to the southeast. The agent confirms that the lodges would fall within the definition of a caravan.

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 press notice, site notice and neighbours have been notified in writing.

Consultees

- 4.3 PARISH COUNCIL – Object for the following reasons:
- Infrastructure is not sufficient to cope with the extra strain,
 - Drainage and flooding issues on Back Lane,
 - Roads are unsuitable for cycling or walking so the development will result in extra traffic,
 - Detrimental impact on neighbours in particular loss of privacy,
 - Lack of detail in the application in particular lighting, affected trees and waste management.
- 4.4 LCC HIGHWAYS AND LEAD LOCAL FLOOD AUTHORITY - No objection
- 4.5 ENVIRONMENTAL SERVICES (Environmental Protection) - No response received
- 4.6 ENVIRONMENTAL SERVICES (Drainage) - No response received
- 4.7 ENVIRONMENTAL SERVICES (Contamination) - No objection subject to condition relating to unidentified contamination
- 4.8 CARAVAN SITE LICENSING – Comments received regarding site licence
- 4.9 STREET SCENE – No response received
- 4.10 HISTORIC ENVIRONMENT OFFICER – Support in principle but request additional information regarding construction and impact on trees. Further information submitted but no response received.
- 4.11 HERITAGE LINCOLNSHIRE (Archaeology) – The site lies in an area of archaeological interest. The site offers potential archaeological remains to be present. Heritage Impact Assessment requested. Further information submitted by the applicant advising of history of the site and the extent of the excavations required for the development. Re-consultation carried out, but comments remain unchanged, Heritage Impact Assessment requested.

Neighbours

- 4.12 A total of 17 representations have been received. 14 representations received raising objection on the grounds of:
- Out of character with the area;
 - Fear of inundation of similar developments;

- Noise impact on neighbours;
- Loss of privacy for neighbours;
- Anti-social behaviour;
- Traffic issues – increase in traffic on the road, use of access on a bend;
- Drainage concern;
- Light pollution;
- Archaeology impact;
- Lack of nearby facilities;
- May result in more lodges in the future;
- Fire risk from barbecues;
- Impact on biodiversity.

4.13 3 representations of support received on the grounds of:

- Proposal will support the village;
- Impact of extra cars will be negligible;
- Sensible sized development.

4.14 The Ward Councillor is aware of the application via the Weekly List.

5.0 RELEVANT SITE HISTORY

- 5.1 N/016/742/01 - Planning Permission - Alterations to and conversion of existing outbuildings to form an extension to an existing attached dwelling to provide dining area, en-suite facilities, dressing room, conservatory, and bedroom. – APPROVED
- 5.2 N/016/1058/01 - Planning Permission - Change of use of land to form a tennis court and erection of 2.75 metre high fencing – REFUSED
- 5.3 N/016/1101/02 - Planning Permission - Provision of a tennis court and erection of fencing to a maximum height of 2.75 metres. – APPROVED
- 5.4 N/016/2548/16 - Planning Permission - Erection of 1no. house and detached single garage. APPROVED

6.0 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.

SP2 - Sustainable development.

SP10 - Design.

SP11 – Historic Environment
SP15 - Widening the inland tourism and leisure economy.
SP16 - Inland flood risk.
SP22 - Transport and Accessibility
SP23 - Landscape
SP24 - Biodiversity and Geodiversity

National Planning Policy Framework

7.0 OFFICER ASSESSMENT OF THE PROPOSAL

Main Planning Issues

7.1 The main planning issues in this case are considered to be:

- **Principle of the proposed development**
- **Impact on the character of the area**
- **Impact on heritage assets**
- **Impact on nearby amenity**
- **Drainage**
- **Highway safety**
- **Impact on protected trees (Tree preservation orders)**

7.2 Principle of the proposed development

7.3 SP1 of the Local Plan sets out the settlement hierarchy based on the range of services, facilities and employment available in them. It confirms where new growth should be directed. Settlements are defined as either towns or large, medium or small villages with the remainder of the district including hamlets being considered as open countryside. SP2 of the LP sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF unless material considerations indicate otherwise.

7.4 SP15 relates to inland tourism and the leisure economy, Clause 3 of the Policy states that the Council will support new and extensions to caravans, log cabins, chalets, camping and touring site development where sites are in close proximity to a town, large or medium village, providing it can be demonstrated that they add to the built and natural environment by the provision of extensive landscaping and green infrastructure, do not cause unacceptable harm to the wider landscape, protected or important habitats, heritage assets and their settings, and they have safe access to the relevant settlement with vehicles and pedestrians being separated.

7.5 The site lies in Bilsby, a settlement identified in SP1 as a medium sized village. The site lies clearly within the built-up part of the village, with the site entrance linking directly to the footpath which runs through the village. The footpaths through Bilsby continues onto Alford which is 1.2km from the site, this being identified as a town by SP1. Alford offers a wider selection of services and shops and is considered to be within comfortable walking distance along a footpath. In this respect, the site

meets the connectivity criteria and location requirements of the policy being within a relevant settlement (Bilsby). Notwithstanding this, it also offers walking links to the larger settlement of Alford.

- 7.6 The development in real terms is relatively small scale, being for only 5no. units on a relatively large wider site. It not considered to be over dominant on the character of the village being concealed within a site which is quite hidden from adjacent roads. The site is a type of backland site, being set beyond much of the built form of the village which lines the main roads. Bilsby Hall sits back from the road in its own extensive landscaped gardens with clearly defined boundaries, open agricultural fields are beyond. In many ways the site itself already juts out into the open countryside, however, the provision of extensive landscaping also means it provides a soft edge to the village. The proposed development would be partly hidden within the existing extensive landscaping, which over time will provide extension screening as the trees become more established. By utilising the existing landscaping, the proposed development of a small number of modest, low-level lodges, would be provided without harm to the wider landscape. The site of the lodges is separated from designated heritage assets which lie on the main road. A good degree of separation and landscaping would exist between the lodges and the non-designated heritage asset (Bilsby House). The site is not part of any designated ecological site or important site for wildlife.
- 7.7 The proposed holiday park would provide a small-scale tourist facility which would extend the range of accommodation available in this part of the District. It would provide a base for those wishing to explore the countryside and the coast. As such it is considered that it would broaden the tourist offer in East Lindsey and help to boost the economy of the locality.
- 7.8 The specific details of the scheme are looked at in the sections below, but it is considered that the principle of providing a holiday lodge development on this site is acceptable and would comply with SP15 and with the aims of the NPPF. A holiday occupancy condition would be appropriate, however, to safeguard the economic benefits provided by tourist facilities, should planning permission be granted.
- 7.9 **Impact on the character of the area**
- 7.10 SP10 of the East Lindsey Local Plan relates to the design of new development. It sets out criteria by which the Council will support well-designed sustainable development which maintains and enhances the character of the district's towns, villages and countryside. SP23 of the Local Plan is concerned with the district's landscapes, it states that that these will be protected, enhanced used and managed to provide an attractive and healthy working and living environment. This advice is effectively reiterated in the National Planning Policy Framework in paragraph 135 of the recently revised December 2023 version.
- 7.11 This application seeks permission for the siting of 5no. holiday lodges to the rear of Bilsby Hall. The wider site is set back from the road, it is

accessed via a long track on which a further dwelling lies (The Gatehouse) which is also owned by the applicant. Around 100m along the track the site opens up and Bilsby Hall lies centrally, albeit slightly towards the rear of the site. A tennis court lies along the east boundary and much of the land to the north and west of Bilsby house is laid to mature gardens within which there are a number of protect trees (Tree Preservation Orders - TPO's). Towards the rear of the site is an L shaped section which forms the application site. This adjoins the Bilsby Hall site to the north. To the east it adjoins a strip of land within the applicant's ownership which separates it from the rear boundaries of dwellings on Back Lane. To the south and west it adjoins agricultural fields. This area of land was previous part of an arable field but has since become incorporated into the Bilsby Hall site and has been planted with a large number of trees with tracks running through.

- 7.12 The site is split into two areas within which lodges will be sited. The area to the south-east currently comprises an area of juvenile tree planting and informal tracks, it is quite densely planted. None of these trees are protected by TPO's. It is separated from the eastern boundary by a grass track and a high mature evergreen hedge. The layout proposes 3 lodges within this area under the canopy of the trees. The southwest area comprises more mature landscaping, open grass and a track. The layout proposes 2 lodges within this area.
- 7.13 Views into the site from public vantage points are limited. Views from the north would be screened by Bilsby Hall and its gardens, while from the east the existing boundary hedge and extensive tree coverage would screen the lodges. The south and west boundaries are more open, particularly as planting is quite young, however the lodges would be set into the existing landscaping at the site behind a band of trees around 3-4 trees deep which over time will mature. Nonetheless there are no public access points across these fields. Views from Back Lane are long distance, across the agricultural fields, and these are restricted to some degree by the topography. The existing landscaping along the southern boundary would offer some degree of screening which would be strengthened in time as it matures. Having regard for this and bearing in mind the small scale of the development and the siting of the lodges, the proposed development is considered unlikely to result in harm to the character of the area.

7.14 Impact on heritage assets

- 7.15 SP11 is concerned with the district's heritage assets. The two properties to the west side of the entrance and opposite to the north-east are all grade II listed buildings. Whilst the hall is not listed it is considered to be a non-designated heritage asset. It is necessary to assess the impact that the proposed development would have on the setting of these buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 confirms the statutory duty to have special regard to the desirability of preserving Listed Buildings, their setting or any features of special architectural or historic interest which it may possess. The closest property is Everleigh being a detached thatch cottage which is prominent

when travelling in a westerly direction being on a bend. Forge House is to the north of this cottage. These properties have simple frontages with the buildings being more prominent. Vine House opposite is set in slightly more spacious grounds. There is modern development adjacent to the west and north of these buildings along the road frontage. These would be around 230m from the site of the nearest lodges and separated by numerous trees, they would not be seen within context of one another. Given the degree of separation involved and intervening features, it is considered to have no more than a neutral impact upon the setting of the listed buildings and that the requirements of legislation would be satisfied. In terms on Bilsby Hall, a non-designated heritage asset, having regard for the siting, scale and design of the proposed lodges, tucked away in the trees, the proposal would not result in harm to the setting of this building, they would feature in the wider setting and be largely hidden by the extensive tree coverage.

7.16 The Historic Environment Officer has raised archaeology as a matter for consideration at this site, they advise that the site lies at the edge of a moated site associated with an earlier medieval hall which stood at the site. They advise that the site offers potential for archaeological remains at a shallow level and earthworks. They have therefore requested a Heritage Impact Assessment. The applicant advises that the site was formerly part of an arable field which was ploughed to a depth of 500mm, this being the case up until 2005. The development would require concrete bases for the lodges to be sited on, these would be raised out of the ground and would require just 100mm of earth to be removed. Likewise, where roads are to be created these would have a similar depth of excavation of no more than 100mm. As such, having regard for the amount of previous disturbance to the land and the minimal extent of excavation required, it would be unlikely much archaeology would remain and therefore it would be unreasonable to require a Heritage Impact Assessment from the applicant. Given that this judgement is based on the level of excavation proposed, it is therefore necessary to condition that the development is carried out in accordance with the submitted sections to ensure that any deeper excavation is not carried out thereby protecting any potential deeper lying archaeology.

7.17 **Impact on nearby amenity**

7.18 SP10 of the Local Plan states that development will be supported if it does not, amongst other matters, unacceptably harm any nearby residential amenity. Paragraph 135 of the NPPF states that developments should ensure a high standard of amenity for existing and future users. Some of the concerns raised in the neighbour objection letters are not considered to be material planning considerations and therefore hold limited weight in the decision-making process. Other concerns such as loss of privacy and noise and disturbance are discussed below.

7.19 A number of neighbouring properties on Back Lane have raised concerns due to their proximity to the lodges and the access. Back Lane is to the east of the application site. 2 of the lodges would be located well away from the dwellings on Back Lane being over towards the

southwest side of the site. The group of 3 lodges would be closer, however the nearest lodge would be around 19m from this boundary and it would be separated from it by trees and a mature evergreen hedge which is at least 3m high. The lodges would therefore be screened from dwellings on Back Lane. The lodges are proposed to be used for holiday purposes, the noise expected from these would be no greater than that expected in a residential area. There are only 3 lodges in this area, therefore the cumulative level of noise is not expected to be unduly harmful to neighbour amenity, especially having regard for the degree of separation between the lodges and the boundaries with neighbouring dwellings.

- 7.20 The lodges would be accessed via an existing access road, this does not run alongside the boundaries with neighbours on Back Lane, it is a sweeping drive curving away from this shared boundary. The drive is between 18m-50m from this boundary and is screened by the landscaping on the boundary. At the site entrance lies one neighbouring dwelling, Old Forge Cottage, further dwellings are opposite, Brinsley and Dunroamin. These dwellings will experience some degree of noise from traffic activity on Thurlby Road currently, such that it is unlikely that the addition of vehicular movement activity associated with 5 units of accommodation would result in a harmful increase in that noise and disturbance. It is therefore considered that the vehicular movements expected would be unlikely to be detrimental to neighbour amenity, according with SP10 of the Local Plan and paragraph 130 of the NPPF

7.21 Drainage

- 7.22 SP16 relates to inland flooding. Point 6 states that "all new development must show how it proposes to provide adequate surface water disposal including avoiding impacting on surface water flow routes or ordinary watercourses. Drainage has also been raised as a concern by neighbours and the Parish Council. The application seeks to the use soakways and a pond/lake within the site and foul sewage is to utilise the mains sewer. There is nothing to indicate that this approach would be unsuitable.

7.23 Highway Safety

- 7.24 SP22 sets out the criteria for transport and accessibility for development within the district. Neighbours have raised concern with regards the resulting increase in traffic on the road and use of the existing access which is on a bend.
- 7.25 The proposed development would use the existing access, which is on the outside of a bend on Thurlby Road. Visibility is good. The entrance to the site is gated, but ample space is available to allow vehicles to wait clear of the highway. Parking for each lodge would be available within the site. The proposed development is small scale, and the additional traffic movements associated with it is anticipated to be low. Lincolnshire County Council Highway's department were consulted on the application and raised no objections to the proposal, therefore, it is considered that the proposal would not result in an unacceptable impact on highway

safety.

7.26 Impact on protected trees (Tree preservation orders)

7.27 A number of trees to the north of the site are protected by TPOs, these are within the hall grounds and would have formed part of its parkland. These are not within the area of the proposed development and unlikely to be affected by the proposal. The nearest TPOs are a group of 3 Ash, 1 Beech, 1 Horse Chestnut and 4 Sycamores to the east of the hall (west of the site) as well as 2 Sequoia Sempervirens which are on the northern boundary of the site (south of the hall). These would be separated from the proposed lodges by a distance of at least 25m, and the internal road would be around 6m from these. The development would involve quite minimal excavation works, with no more than 100mm of earth removed to create the bases. Having regard for the separation between the protected trees and the development and the works involved, it is considered that the proposed development would be unlikely result in harm to protected trees.

8.0 CONCLUSION

8.1 The proposed development is for a small-scale holiday accommodation development within the village of Bilsby. It would comprise 5no. holiday lodges within the grounds of Bilsby Hall, these would be relatively well concealed within the well landscaped site. A good degree of separation would exist between the development and neighbouring dwellings and extensive landscaping would lie between. The principle of the development would comply with SP15 of the Local Plan; locationally it would offer holiday lodges within a medium sized village and would offer pedestrian access to the rest of the village as well as onto the town of Alford. It would be relatively small scale, being 5no. units on a comparatively large wider site. It would be concealed within the site which is set back from adjacent roads and well landscaped to its boundaries. As a small-scale development with a good degree of separation with neighbours, the proposal would not result in harm to neighbour amenity. The site is accessible from Thurby Road, via an existing access point which has good visibility, bearing in mind the small scale of the development, this existing arrangement is considered to be suitable. All other matters can be addressed by suitable conditions. The proposal complies with the abovementioned policies and is therefore recommended for approval.

8.2 This conclusion has been arrived at having taken into account all other relevant material considerations, none of which outweigh the reasons for the officer recommendation made below.

10.0 OFFICER RECOMMENDATION

10.1 Planning permission be granted subject to conditions.

RECOMMENDATION: Approve

subject to the following conditions:

1. Full Permission

The development hereby permitted must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall only be undertaken in accordance with the following approved plans;

Plan No. LDC4219-PL-01	Received by the LPA on 12/10/2023.
Plan No. LDC4219-PL-02A	Received by the LPA on 18/12/2023.

Reason: For the avoidance of doubt and the interests of proper planning.

3 Prior to the siting of the five holiday lodges hereby permitted, details of the external finish of the lodges and materials for the hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance with Policy SP10 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

4 The number of caravans/lodges on site must not exceed 5 and must be sited in accordance with the layout shown on approved drawing number LDC4219-PL-02A.

Reason: To ensure appropriate separation to residential properties in order to protect their residential amenity, to protect the landscape character and to ensure the implications of the development relate to that proposed having regard to Policies SP10, SP15 and SP23 of the East Lindsey Local Plan.

5 The accommodation hereby permitted shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The owners/operators of the site shall maintain an up-to-date register of the names of all occupiers of the accommodation on site, and of their main home addresses, and shall make this information available to the Local Planning Authority upon request.

Reason: To ensure the development is restricted to holiday use only and the accommodation is not used for permanent residential accommodation. This condition is imposed in accordance with SP15 of the East Lindsey Local

Plan.

- 6 The internal roads and lodge bases shall be constructed in accordance with the sections shown on plan no. LDC4219-PL-02A.

Reason: To ensure that the extent of the excavations carried out do not disturb potential archaeological remains in accordance with the National Planning Policy Framework.

- 7 No external lighting shall be installed on site unless details of such lighting, including design, location, the intensity of illumination and fields of illumination, have been first submitted to, and approved in writing by, the Local Planning Authority. Any external lighting that is installed shall accord with the details so approved.

Reason: In the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This condition is imposed in accordance SP10 and SP23 of the East Lindsey Local Plan and paragraph 135 of the National Planning Policy Framework.

- 8 Within a period of 5 years from the date of commencement no tree within the site shall be wilfully damaged, cut-down, up-rooted, topped, lopped or destroyed, nor is any hedge within the site to be cut-down or grubbed out without details of the proposed works first being submitted to and agreed in writing by the Local Planning Authority. The details shall include a plan identifying the affected trees, a description of the proposed works and, where appropriate, details of the planting of a replacement.

Reason: To ensure that appropriate landscaping is provided to integrate the site into the local area. This condition is imposed in accordance with SP10 and SP23 of the East Lindsey Local Plan.