

<b>APPLICATION NO</b>	<b>PA/2020/862</b>
<b>APPLICANT</b>	Mr David Booth
<b>DEVELOPMENT</b>	Planning application for change of use of land to form residential curtilage, and site annexe in association with Oak Barn
<b>LOCATION</b>	Chapel, High Street, Luddington, DN17 4QY
<b>PARISH</b>	Luddington and Haldenby
<b>WARD</b>	Axholme North
<b>CASE OFFICER</b>	Emma Sheppard
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Departure from local plan

## **POLICIES**

### **National Planning Policy Framework:**

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.'

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, for decision-taking, this means:

- '(c) approving development proposals that accord with an up-to-date development plan without delay; or
- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.'

Paragraph 12 states, 'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan...permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'

Paragraph 38 states, 'Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.'

Paragraph 54 states, 'Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.'

Paragraph 163 states, 'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere.'

#### **North Lincolnshire Local Plan:**

Policy DS1 (General Requirements)

Policy R2 (Development in the Open Countryside)

Policy DS6 (Temporary Buildings)

Policy DS7 (Contaminated Land)

#### **North Lincolnshire Core Strategy:**

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS6 (Historic Environment)

## **CONSULTATIONS:**

**Highways:** No comments or objections to make.

**LLFA:** No objections or comments to make.

**Conservation Officer:** No objections subject to a condition.

**Environmental Health:** Considering the sensitive end use of the proposed development, a contaminated land condition is recommended.

**Environment Agency:** Original objection removed. Subject to the imposition of conditions, no objections.

## **PARISH COUNCIL**

No response received at time of writing.

## **PUBLICITY**

Advertised by site notice – no comments received.

## **ASSESSMENT**

### **Site and proposal**

Planning permission is sought for a change of use from church grounds (approximately 1141 square metres) to garden land associated with Oak Barn and the temporary siting of a mobile lodge for ancillary use. This includes the removal of a 10 metre section of the existing brick boundary wall and railings to enable the land to be included as garden to Oak Barn. The land, which is laid to lawn, is to the rear of the disused chapel, a non-designated heritage asset. Both the chapel and land are within the applicant's ownership. Access to the temporary mobile lodge would be through the gardens at the applicant's property.

The North Lincolnshire Housing and Employment Land Allocations maps show that the site is outside, but adjacent to, the settlement boundary for Luddington. Residential development of differing designs and scale sits to the north, south and west. Oak Barn itself fronts the High Street.

The application seeks permission to use the land as garden land associated with the existing property and for the temporary siting of a mobile home for elderly parents as a 'granny annexe'. The mobile home is to measure 12.2 metres wide with a depth of 3.98 metres. A shallow pitched roof is proposed with an overall ridge height of 2.7 metres. The mobile home would be fully self-contained with two bedrooms.

### **The main considerations are:**

- **the principle of the development;**
- **visual amenity/impact on the setting of the historic environment;**
- **residential amenity;**

- **highway issues;**
- **contaminated land; and**
- **flooding/drainage.**

### **Principle**

The site falls outside the defined development limit for Luddington and therefore constitutes development within the open countryside. Policy RD2 of the local plan provides several exceptions of development types which are considered acceptable in such areas. The proposed development, however, does not fall neatly within any of these categories. The main issue is whether the principle of developing this site for residential purposes is acceptable in policy terms.

The proposed development is twofold: firstly, a change of use of the land to residential curtilage is proposed. Very often, residential curtilage extensions into the open countryside will be resisted. In this case, however, the land is currently laid to lawn behind the existing chapel. The area in question does not extend further into the open countryside than the adjacent residential curtilages and would see the small-scale expansion of the existing residential curtilage to Oak Barn.

Secondly, the additional land is required in connection with the siting of a mobile home for a temporary period of time due to the applicant's personal circumstances. Whilst policy RD2 precludes the erection of a dwelling unless it is connected with agriculture/forestry, in this instance, the mobile home is needed due to personal circumstances. Further, the need is for a temporary period and therefore a temporary condition is proposed.

Given the current use, the small-scale nature of the proposal, the temporary siting of the building proposed and its use, it is considered that the proposal would be of benefit in this regard and that this benefit outweighs the conflict with policy RD2. The broad principle of development is therefore considered acceptable.

### **Visual amenity/impact on the setting of the historic environment**

Paragraphs 124 and 130 of the National Planning Policy Framework (NPPF) express the importance of good design, high quality buildings and improving the character and quality of an area.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) states, '...all new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. Design which is inappropriate to the local area or fails to maximise opportunities for improving the character and quality of the area will not be acceptable.'

Policy DS6 of the local plan relates to temporary buildings and states that planning permission will be granted for such provided the following criteria are met:

- (i) the building is not highly visible to the general public or detrimental to the amenity of the area/landscape, and
- (ii) the development will not prejudice proposals for permanent development on the site.

In granting planning permission for temporary buildings, conditions may be imposed requiring the landscaping of the development or other measures to help mitigate its impact on the visual amenity of the area.

The proposed building forming the granny annexe would be sited to the north-western side of the site, would maintain a distance of 5 metres to the northern boundary, and is designed to run parallel with the boundary. The scale of the proposed building would comply with permitted development dimensions for an outbuilding if sited within the existing curtilage, although, due to the use being ancillary rather than incidental, it is not classed as permitted development.

The proposal would have a modest footprint of approximately 48.5 square metres. Its scale is not considered to be excessive and could be accommodated within the existing application site without eroding the general character of the area.

The annexe is to be sited approximately 16 metres from the rear elevation of the existing dwelling and, given its siting, massing and height, would not be overly prominent within the site or its surroundings.

The council's conservation officer has been consulted on the application as the chapel is a non-designated heritage asset which contributes to the character and distinctiveness of Luddington. Concerns were raised over materials to be used but the forms and plans state that the walls are to be constructed in timber with a dark grey, pantile effect metal roof. These materials ensure that the structure would not stand out overtly and would provide a more traditional rural appearance which would soften its appearance within the area. A condition has been recommended requesting submission of materials prior to development starting on site.

It is considered that the development does not detract from the character and appearance of the host dwelling or the surrounding area, given its rear siting. Given the longevity of the materials proposed, a temporary condition is to be imposed. Given the above, on balance, the proposed development is of minimal prominence, complying with policies DS1 and DS5 of the local plan, and CS5 and CS6 of the Core Strategy.

### **Residential amenity**

Policy DS1 of the local plan is partly concerned with impacts upon residential amenity. It states '...no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, or through the effects of overlooking or overshadowing.'

Properties along Jacklin Lane, beyond the boundary to the west and north-west, are two-storey dwellings within varying sized plots. The proposed annexe is to be sited 5 metres from the northern boundary and 8 metres from the north-western boundary. Given this, the annexe would sit comfortably within the plot ensuring there would be no undue loss of privacy or light to neighbouring properties. The plans demonstrate that the dwelling has been effectively designed, with the appropriate orientation and window layout to limit any adverse overlooking. As such, the development proposals are considered acceptable in this regard and comply with policy DS1 of the local plan.

## Highways

The proposed development does not include any alterations to the existing parking arrangements or access onto the site. Access to the mobile home would be through the gardens at the applicant's property, 'Oak Barn.' No highway objections have been made. The proposal is therefore considered to comply with policies in the local plan and Core Strategy, and the application is recommended for approval.

## Contaminated land

This application for residential development is a sensitive end use. However, historical maps do not indicate a former land use that would give rise to contaminated land. Given this, Environmental Protection have no objections to the proposal, subject to the imposition of a condition stating that if any odorous, discoloured or visually contaminated material is found during construction, then work shall cease and a written method statement shall be submitted to and approved by the local planning authority.

## Flooding/drainage

The North and North East Lincolnshire Strategic Flood Risk Assessment (SFRA) shows the site to be within Flood Zone 2/3 (a) Tidal. The application passes the sequential and exception tests and is for a temporary period of three years.

The Environment Agency originally raised an objection on the grounds that the Planning Practice Guidance classifies lodges intended for permanent residential use, as 'highly vulnerable' to flooding and therefore inappropriate in Flood Zone 3. This is because their structure makes them less stable than houses and thus puts residents at greater risk (particularly when sleeping). In this case, the site is at risk from the River Trent when fluvial or tidal levels are high, and from failure of the pumped land drainage system. However, the Trent has defences in place, thus reducing the risk, and the site is about 2 kilometres from the river, meaning that, should a breach occur, any flooding would not be sudden or rapid. The submitted flood risk assessment states that the lodge floor levels would be above the critical flood level and residents could take refuge in the main, two-storey, house if a flood alert were issued. The risk is therefore relatively low for a site in Flood Zone 3.

Given the above, subject to appropriate conditions ensuring that the permission is for a temporary period and is tied to the existing property, the original objections can be withdrawn.

The LLFA do not raise any objections nor recommend any conditions be imposed. The proposal would, subject to conditions, align with policies CS18, CS19 of the Core Strategy and DS14 of the North Lincolnshire Local Plan.

## Pre-commencement conditions

The condition requiring details of facing materials to be submitted and agreed before development commences has been agreed with the applicant's agent.

## **RECOMMENDATION**      **Grant permission subject to the following conditions:**

1. The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The approved use of the land for the siting of the mobile home shall take place for a limited period, being three years from the date the mobile home is first sited.

Reason

To ensure the development remains safe in respect of flood risk, and given the personal circumstance of the applicant, the unit's intended use and the longevity of the materials, in accordance with policies CS5 and CS16 of the North Lincolnshire Core Strategy, and policies RD2 and DS6 of the North Lincolnshire Local Plan.

3.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policies DS1 and DS6 of the North Lincolnshire Local Plan, and policy CS5 of the North Lincolnshire Core Strategy.

4.

If during development any odorous, discoloured or otherwise visually contaminated material is found to be present at the site then no further development shall be carried out until a written method statement, detailing how this contamination shall be dealt with, has been submitted to and approved by the local planning authority. The approved method statement shall be implemented in full prior to development commencing on the site.

Reason

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off-site receptors in accordance with policy DS7 of the North Lincolnshire Local Plan.

5.

The annexe building hereby permitted shall be removed and the land restored to its condition immediately prior to the development authorised by this permission commencing on or before three years from the date of this permission in accordance with a scheme of work submitted to and approved in writing by the local planning authority.

Reason

The annexe building hereby approved is not considered suitable as a permanent form of development to safeguard the character/appearance of the area to comply with policies CS5 and CS16 of the North Lincolnshire Core Strategy, and policies DS1, DS6 and RD2 of the North Lincolnshire Local Plan.

6.

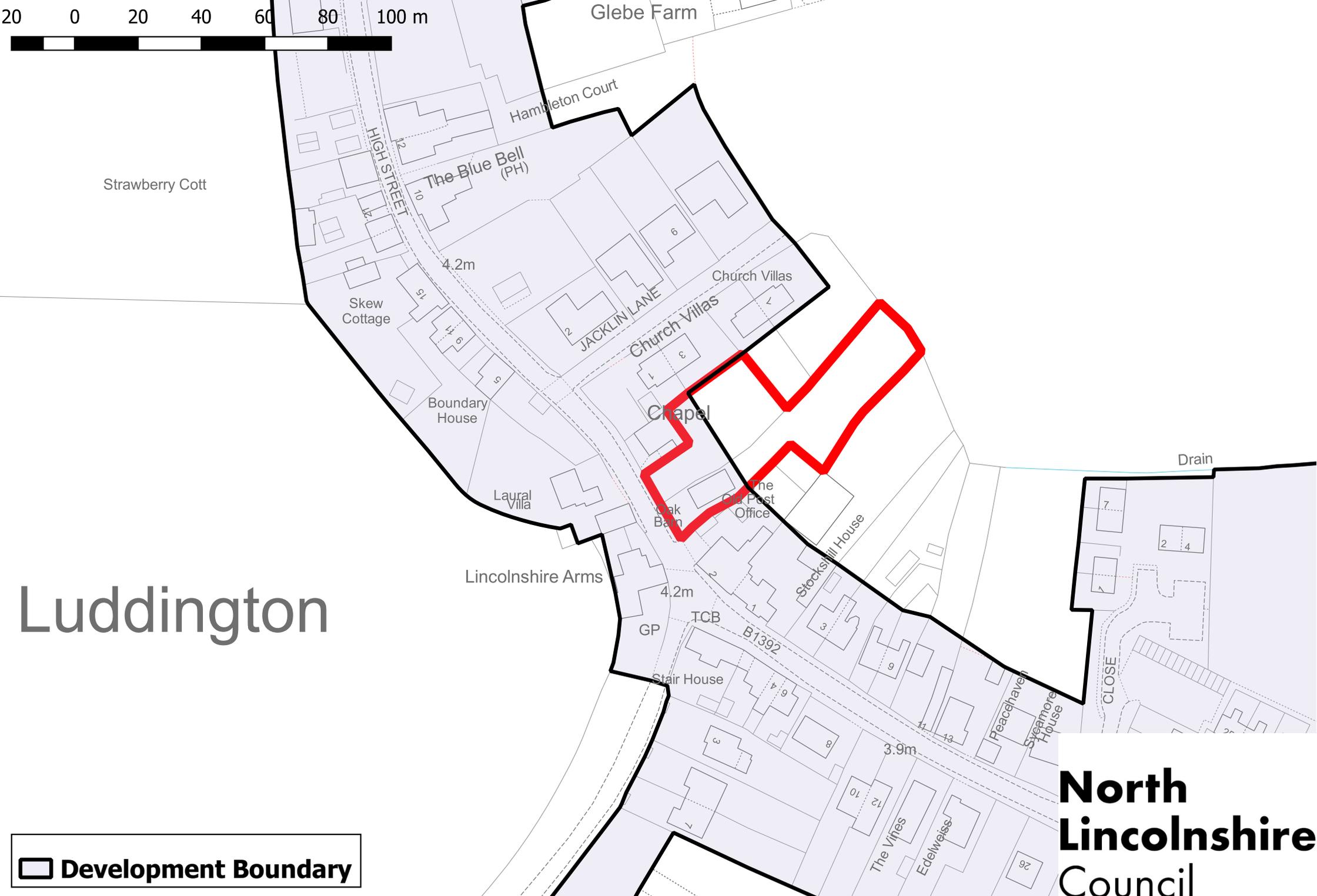
The living accommodation (annexe outbuilding) hereby permitted shall not be occupied at any time other than for purposes ancillary to the use as a single dwellinghouse of the dwelling known as 'Oak Barn,' High Street, Luddington.

**Reason**

To prevent the additional accommodation being used as a separate dwelling which would have unsatisfactory facilities for prospective occupants or would have an unsatisfactory relationship with the existing dwelling, having regard to policies DS1 and DS5 of the North Lincolnshire Local Plan, policy CS5 of the Core Strategy and the National Planning Policy Framework.

**Informative**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Luddington

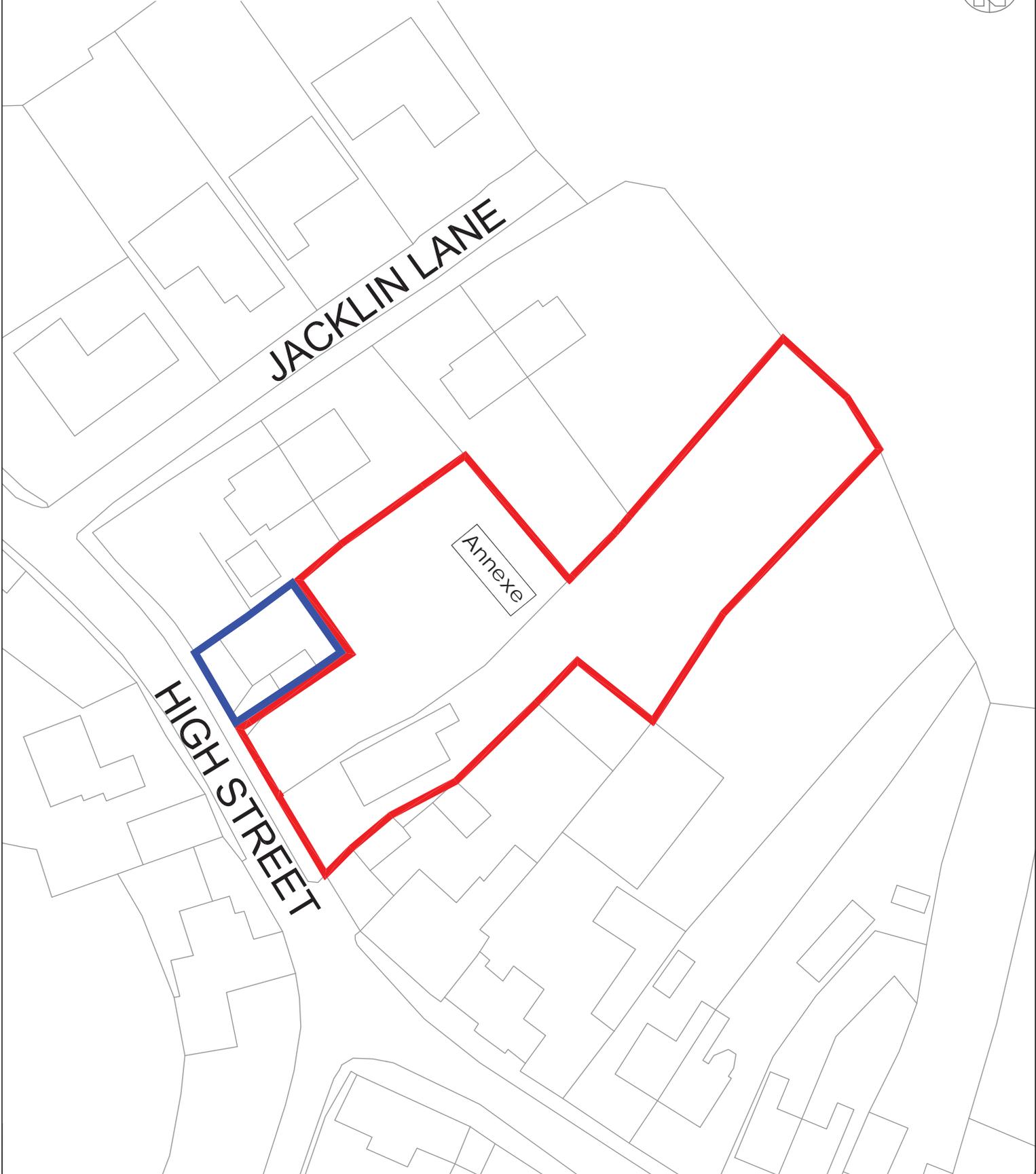
 Development Boundary

**North  
Lincolnshire  
Council**

**PA/2020/862**



# PA/2020/862 Block plan (not to scale)



Drawing Title

PROPOSED PLAN  
HIGH STREET  
LUDDINGTON



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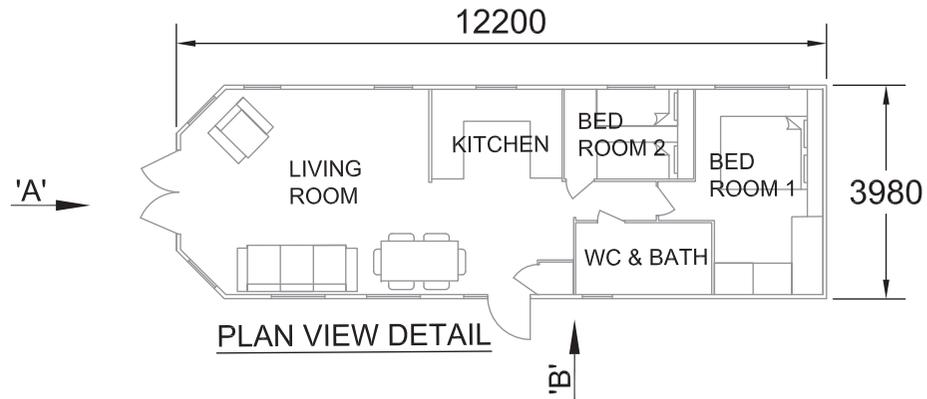
Scale @ A3

1:500

Date

JUN/2020

# PA/2020/862 Elevations (not to scale)



Drawing Title			enquiries@marksimmondsplanningservices.co.uk Mark Simmonds Director Mark Simmonds Planning Services Ltd Mercury House Willoughton Drive Foxby Lane Gainsborough DN21 1DY
LODGE 2 HIGH STREET LUDDINGTON			
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