

<b>APPLICATION NO</b>	<b>PA/2021/2168</b>
<b>APPLICANT</b>	Mr & Mrs Antony Edmondson-Bennett
<b>DEVELOPMENT</b>	Planning permission to change the use of a paddock to residential curtilage, form a driveway, erect entrance gates and install children's play equipment, with associated works
<b>LOCATION</b>	Fox Farm, Cadney Road, Howsham, LN7 6LA
<b>PARISH</b>	Cadney
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Mark Niland
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Cadney cum Howsham Parish Council Departure from the development plan

## **POLICIES**

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

Paragraph 47 – Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

**North Lincolnshire Local Plan:** DS1, DS5, T2, T19, HE5, H5, H7, DS11

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS6, CS18, CS19

## **CONSULTATIONS**

**Highways:** No objections subject to conditions.

**Drainage (Lead Local Flood Authority):** No objections.

**Environmental Protection:** No objection subject to a monitoring condition in relation to land contamination.

**Historic Environment Record:** No further recommendations.

**Conservation:** No objection subject to a design change and conditions.

## **PARISH COUNCIL**

Objects to the pond due to its size and potential flooding concerns. They state that parishioners and the parish council have repeatedly reported the drains and issues of

drainage to NLC on Cadney Road and are worried about the extra pressure the pond and development will put on this area.

As there are two other ponds in the near vicinity, they feel there should be a full environmental survey to consider the impact and a covenant should be attached stating that it is for domestic use only.

They note the application states there are “no trees and hedges on the land adjacent to the development that would have an impact on it”, the reason being that they have already been removed by the applicant.

Concerns are raised regarding the floodlights on the tennis court being close to the road, creating a hazard, impact on neighbouring houses and the environmental impact due to light pollution.

Complaints have been received from parishioners regarding light pollution since the menage was installed at Chestnut View.

The parish council requests a restriction on usage of the lighting during certain hours.

Based on the information given, the parish council was unable to ascertain where the new wall is to be erected, but would like to point out that the front wall between the road and tennis court has been raised to approximately twice the original height. They cannot see reference to this on any of the retrospective planning applications.

## **PUBLICITY**

Advertised by site and press notice. A number of objections have been received, which can be summarised as follows:

- loss of trees/character
- ecology/biodiversity
- flooding and drainage
- highway safety
- light pollution
- noise impacts
- residential amenity impacts
- impact upon the open countryside
- general character and landscape.

## **STATEMENT OF COMMUNITY INVOLVEMENT**

No statement of community involvement has been received. However, although the application covers a large area, it relates only to a single residential planning unit and associated grounds.

## **ASSESSMENT**

### **Planning history**

- 7/1983/0062: Planning permission to erect an extension to form a farm office and games room – approved 24/03/1983
- 7/1988/0736: Planning permission to construct a conservatory – approved 04/01/1989
- PA/2018/2086: Planning permission to erect an extension and alterations to previously approved plans – approved 21/12/2018
- PA/2017/332: Planning permission to convert barns into two dwellings – approved 02/05/2017
- PA/2021/1735: Planning permission to convert outbuilding to annexe with extension – approved 26/01/2021.

### **Site constraints**

- Grade II listed building
- Open countryside (HELA DPD 2016)

### **Site characteristics**

The dwelling fronts Cadney Road and is a grade II listed property. It has numerous associated outbuildings and an area of paddock land to the northwest. The dwelling and wider land is outside the defined settlement limits for Howsham. The property is served by a central access with a secondary access to the east serving the rear, and an additional access to the east which was approved in connection with the annexe under PA/2021/1735.

### **Proposal**

Planning permission is sought to erect a new Scandinavian-style lodge and wall between the tennis court and driveway with entrance gates, create a pond and external swimming pool within the grounds, install a new drive with entrance gates to the new wall, and refurbish an existing tennis court, including painting of the court, floodlighting and a storage shelter. Already on site is an area of play equipment that is being applied for retrospectively.

### **The following considerations are relevant to this proposal:**

- **principle of development**
- **impact upon the historic environment**
- **residential amenity**
- **highway safety**
- **land contamination.**

## **Principle of development**

Policy CS1 sets out the overarching spatial strategy for the district. Of the countryside it states, ‘...In the countryside, support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. Tourism development will also be supported, in particular the development of green tourism making the most of the area’s important natural and built environments.’

A more bespoke policy for such a proposal is RD2 of the local plan. Firstly, it sets out in principle development types that are acceptable: ‘...the re-use and adaptation of existing rural buildings’ provided that:

- the open countryside is the only appropriate location and the development cannot reasonably be accommodated within defined development boundaries; and
- the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials.

Paragraph 47 of the NPPF is concerned with determining planning applications. It states, ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.’

The applicant proposes a change of use of some of the ‘pastoral land’ for use as residential curtilage. It is within the open countryside, but close to the dwelling and to the rear of other residential form. Whilst strictly this proposal is not in accordance with the development plan, the change of use would give rise to limited impacts, which would be localised rather than wide-ranging on the landscape. Its close proximity to the dwelling and other residential form, and the limited harm resulting from the change of use, are sufficient material considerations for a departure to be supported.

## **Impact upon the historic environment**

Policy HE5 is concerned with development affecting listed buildings and is relevant given the grade II status of Fox Farm. It states:

‘The council will seek to secure the preservation, restoration and continued use of buildings of special architectural or historic interest. When applications for planning permission relating to a listed building or listed building consent are being assessed, the primary consideration will be the need to preserve or enhance the fabric and character of the building. Permission or consent will not be granted unless it has been demonstrated that the proposed works would secure this objective. The council will encourage the retention and restoration of the historic setting of listed buildings. Proposals which damage the setting of a listed building will be resisted. Whenever appropriate, proposals which would entail the loss of historic fabric from a listed building will be conditional upon a programme of recording being agreed and implemented.’

Policy CS6 of the Core Strategy is concerned with development affecting the historic environment. It seeks to protect and enhance the district’s designated and undesignated assets.

Paragraph 199 of the NPPF states, ‘...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.’

Paragraph 200 states, ‘...Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:

- (a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- (b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 202 states, ‘...Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.’

The conservation officer has been consulted and has stated:

‘There is no objection to the planning and listed building consent subject to the number of lights on the driveway reduced and appropriate conditions regarding staining the play equipment, painting the tennis court Wimbledon Green, details [for] surfacing of the driveway, details provided of the surface material surrounding the pool and associated landscaping, details of the bricks for the supporting piers for the wall adjacent to the driveway are submitted for consideration. It should also be conditioned that the wall between the tennis court and driveway is rebuilt using the existing bricks and a lime mortar.’

Subject to the imposition of such conditions, the proposal is in accordance with planning policies HE2 of the local plan and CS6 of the Core Strategy, as well as the aforementioned paragraphs of the National Planning Policy Framework.

### **Residential amenity**

Policy DS1 of the North Lincolnshire Local Plan is in part concerned with impacts upon residential amenity. It states that planning proposals should not unreasonably reduce sunlight or daylight, or result in overshadowing, overbearing impact or loss of privacy to adjacent dwellings. Point (j) of policy H5 of the local plan is also relevant. It states, ‘...development does not result in overlooking or a loss of privacy to existing developments, or any other loss of amenity to existing dwellings.’ Policy H7, which is concerned with tandem and backland development, is also relevant.

Concerns exist in relation to the position and luminance levels of the lighting and so a lighting condition will be applied for both the tennis courts and driveway. The use of the driveway, given it supports a single residential planning unit, is not considered to give rise to unacceptable issues. A caveat to this is that the conservation officer recommends gravel; however, it is close to existing properties and a bonded material would be required to reduce potential noise impacts. As the use of the swimming pool is domestic, no concerns have been raised by Environmental Protection.

The built form is of a scale and at sufficient distance that would not carry any overbearing, overlooking or overshadowing impacts that would be detrimental to the residential amenity rights of adjoining neighbours.

Given the above, the proposal is considered to accord with policies DS1 and H7 of the local plan.

### **Landscape and character**

Policy RD2 of the North Lincolnshire Local Plan is concerned with development in the open countryside. Firstly, it sets out, in principle, those development types that are acceptable; and secondly, it sets out a criteria-based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph 'c' of the policy states:

'...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;'

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It 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' and '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 H5 of the local plan, which is concerned with new housing development, policy LC7 of the local plan, which is concerned with landscape protection, and paragraph 130 of the NPPF are also considered relevant.

The changes relate to a domestic requirement to extend and upgrade the existing property. The change of use (including play equipment), the swimming pool and other works are close to the existing property. They are proportionate in amount and scale and well executed in design. The impacts would be localised and not wide-ranging.

On this basis the proposal is considered to align with policies RD2, H5 and LC7 of the local plan, CS5 and CS6 of the Core Strategy, and paragraph 130 of the NPPF.

### **Land contamination**

Policy DS7 of the North Lincolnshire Local Plan is concerned with contaminated land. It states that permission will only be granted on contaminated sites where a detailed site survey has been submitted, and a suitable scheme of remedial measures has been agreed to overcome any existing contamination.

Environmental Protection have advised that any permission should be subject to a monitoring condition regarding land contamination. Given that the outbuilding would be used for primary residential purposes and limited information has been submitted as regards this topic, this is considered appropriate. Given the aforementioned mitigation, the proposed development is considered to accord with policy DS7 of the North Lincolnshire Local Plan.

## **Flooding and drainage**

Policy CS19 of the Core Strategy is concerned with flood risk and CS18 with sustainable resources. Policies DS14 and DS16 of the local plan are concerned with surface and foul water drainage. All are considered relevant.

The LLFA have been consulted and have no objections to the proposal. Concerns have been raised that the development would lead to flooding. The applicant originally proposed a pond, however this has now been removed. The only surface water created by this development would result from the swimming pool building, however this proposal would need to satisfy building regulations on those grounds. A condition to ensure the driveway is permeable is attached on amenity grounds, and due to this, a condition showing how surface water will be prevented from entering the highway will also be attached.

On this basis it is considered that the proposal would accord with the aforementioned planning policies relating to flooding and drainage.

## **Highway safety**

Highways have no concerns regarding use of the access, which was approved in connection with the annexe under a previous permission.

## **Conclusion**

The proposal represents a sustainable form of development and is recommended for approval subject to the conditions discussed within this report.

## **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 development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location and Block Plan 001 Rev B  
Plans and Details as Proposed 003 Rev B  
Plans and Details as Proposed 004 Rev B.

### **Reason**

For the avoidance of doubt and in the interests of proper planning.

3.  
The residential curtilage shall extend as far as shown on the proposed block plan (dwg 001 Rev B) which encompasses the existing play area and does not include the hatched area annotated as 'pastoral land'.

Reason

In the interest of character and amenity and to accord with policy RD2 of the North Lincolnshire Local Plan.

4.

Prior to the use of the driveway and tennis courts, a scheme for the provision of lighting shall be submitted to and agreed in writing with the local planning authority. It shall thereafter be retained.

Reason

In the interest of amenity and the historic environment and to accord with policies CS5 and CS6 of the Core Strategy.

5.

Prior to its first use, a scheme showing the surfacing of the driveway and how surface water will be prevented from the adopted highway shall be submitted to and agreed in writing with the local planning authority. It shall be retained thereafter.

Reason

In the interest of amenity and drainage and to accord with policies DS1 and DS14 of the North Lincolnshire Local Plan.

6.

The tennis court hereby permitted shall be painted 'Wimbledon Green', which shall be retained thereafter.

Reason

To protect the historic environment and to accord with policy HE5 of the North Lincolnshire Local Plan.

7.

Prior to the first use of the driveway, details of the bricks used for the supporting piers for the wall adjacent to the driveway shall be submitted to and agreed in writing with the local planning authority. They shall be retained thereafter.

Reason

To protect the historic environment and to accord with policy HE5 of the North Lincolnshire Local Plan.

8.

Prior to the development on the pool house, details of all external materials shall be submitted to and agreed in writing with the local planning authority and shall be retained thereafter.

Reason

In the interest of the historic environment and to accord with policy HE5 of the North Lincolnshire Local Plan.

**Informative**

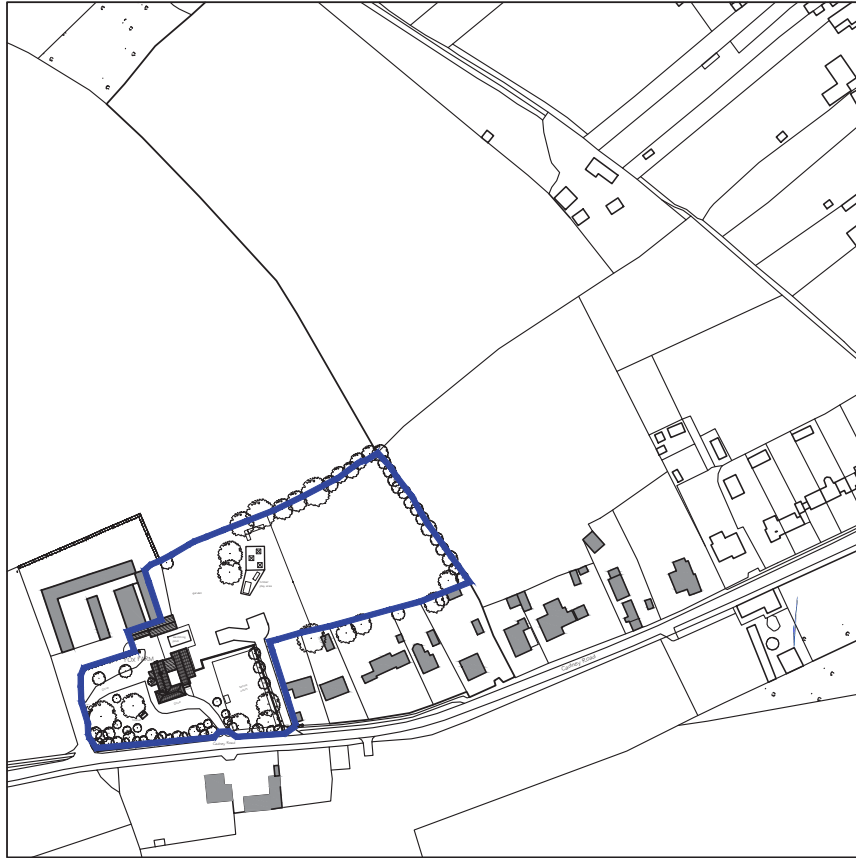
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.





**PA/2021/2168**

# PA/2021/2168 Proposed layout (not to scale)




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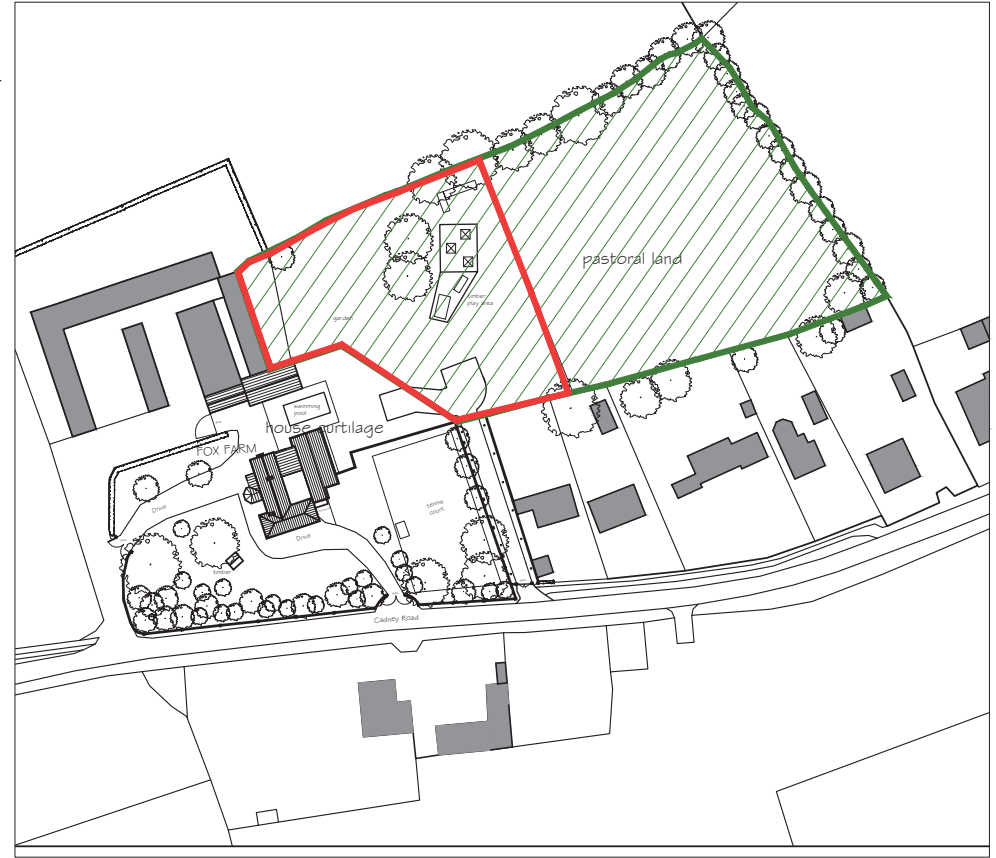
Site Location Plan

0 20m 40m 60m



1:2500

 Land under client ownership





Block Plan

0 5 10m 20m 50m



1:1000

 Land under client ownership currently classified as pastoral use of land

 Change of Use from Pastoral Land to House Curtilage

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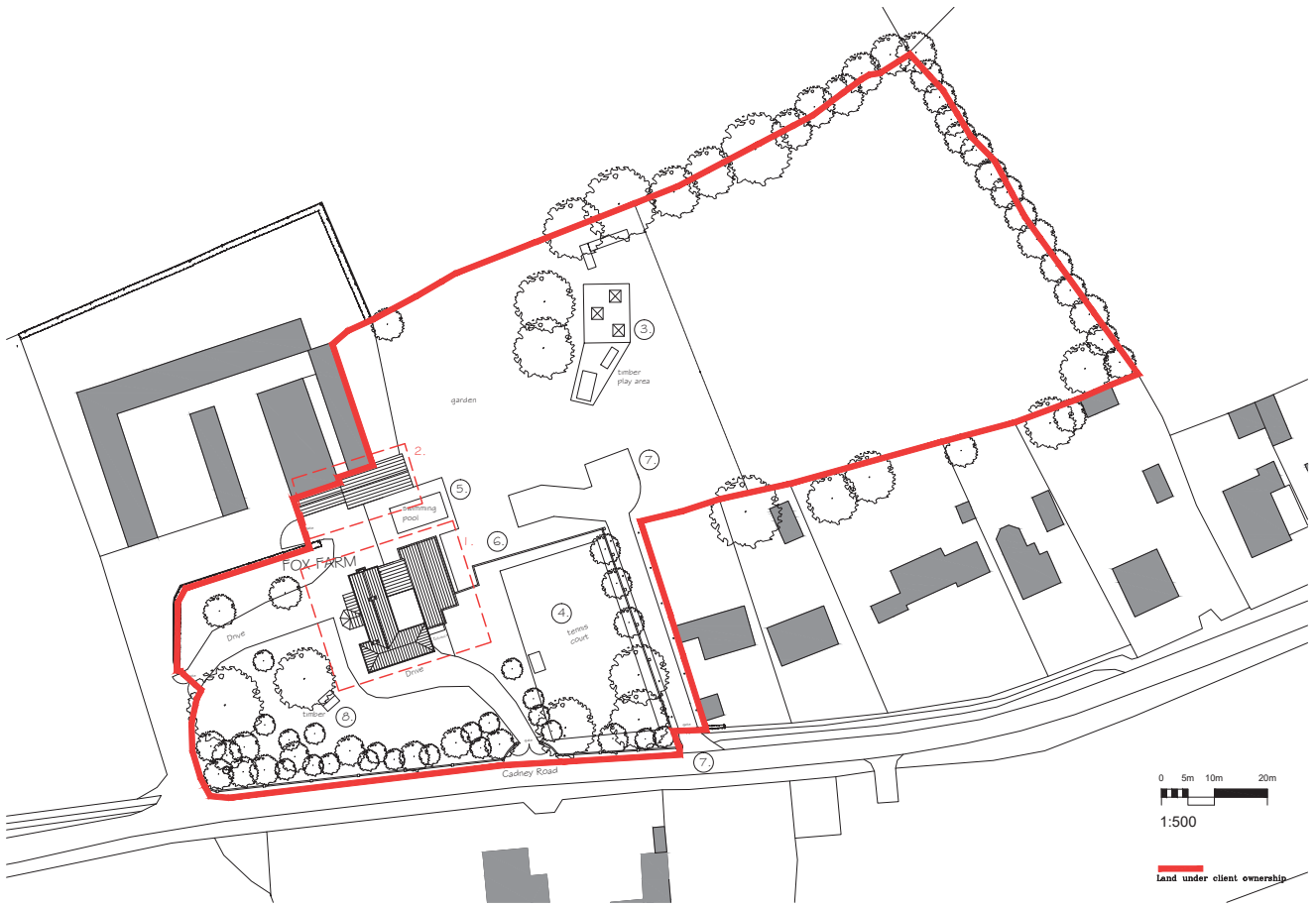
DATE	NOTES	BY	REV
12/11/21	Issued for planning	SG	A
21/04/22	Issued for planning	SG	B



Phone: 01522 243137 Email: info@cka.design www.ckarchitecturalincoln.co.uk

PROJECT TITLE <b>Proposed Works within Listed House Grounds</b>	CLIENT <b>Mr &amp; Mrs Edmondson-Bennett Fox Farm, Cadney Road, Howsham, LN7 6LA</b>			
DRAWING STAGE <b>Planning</b>	SCALE <b>VARIES @ A1</b>	CHK <b>SG</b>	DRAWN BY <b>SG</b>	
SHEET TITLE <b>Site Location and Block Plan</b>	PROJECT NUMBER <b>LN7-2683</b>	STAGE <b>PLN</b>	REV <b>B</b>	SHT <b>001</b>

# PA/2021/2168 Proposed plans and details 1 of 2 (not to scale)



Site Plan as Proposed



Photo of current play area

Photo of current play area



Photo of current play area in the process of being dark oak stained



Photo of current play area in the process of being dark oak stained

### ③ PLAY AREA



Photo of existing area of proposed swimming pool



Photo of existing area of proposed swimming pool



Photo of existing area of proposed swimming pool

The swimming pool will be landscaped around and a sympathetic floor finish installed. To soften and help conceal the pool aesthetically pleasing we will make landscaping around the formal gardens will be planted in traditional old English heritage style with manicured hedgerows and rose gardens etc

### ⑤ SWIMMING POOL (10 metres x 5 metres)



Photo of existing timber to be dark stained - dark oak stain



Photo of existing timber to be dark stained - dark oak stain

### ⑧ TIMBER SHELTER

DATE	NOTES	BY	REV
21/11/21	Issued for planning	SG	A
21/09/21	Issued for planning	SG	A



PROJECT TITLE Proposed Works within Listed House Grounds		CLIENT Mr & Mrs Edmondson-Bennett Fox Farm, Cadney Road, Wrotham, LN7 6LA	
DRAWING STAGE Planning	SCALE 1:500 @ A1	CHEK SG	DRAWN BY SG
SHEET TITLE Plans and Details as Proposed (sheet 1 of 2)	PROJECT NUMBER LN7-2808	STAGE PLN	REV B
		SHT B	SHT 003

# PA/2021/2168 Proposed plans and details 2 of 2 (not to scale)

## ④ TENNIS COURT



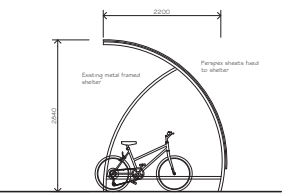
Photo of current tennis court      Photo of current tennis court



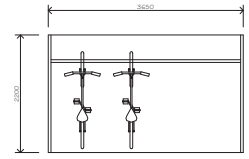
Photo of current tennis court      Photo of current tennis court



Photo of existing cycle shelter to be refurbished



Section of Refurbished Shelter As Proposed



Plan of Refurbished Shelter As Proposed

Existing tennis court to be repainted to be Wimbledon green. New lines added to suit several different sporting courts / pitches. Existing fencing to be retained. Cycle shelter to be installed to be used for cycles and childrens play items. Flood lighting to be installed at boundary side of tennis court to allow all season usage.

## ⑥ WALL RE-BUILT



Photo of salvaged bricks from collapsed wall cleaned and ready to be used to rebuild the wall.

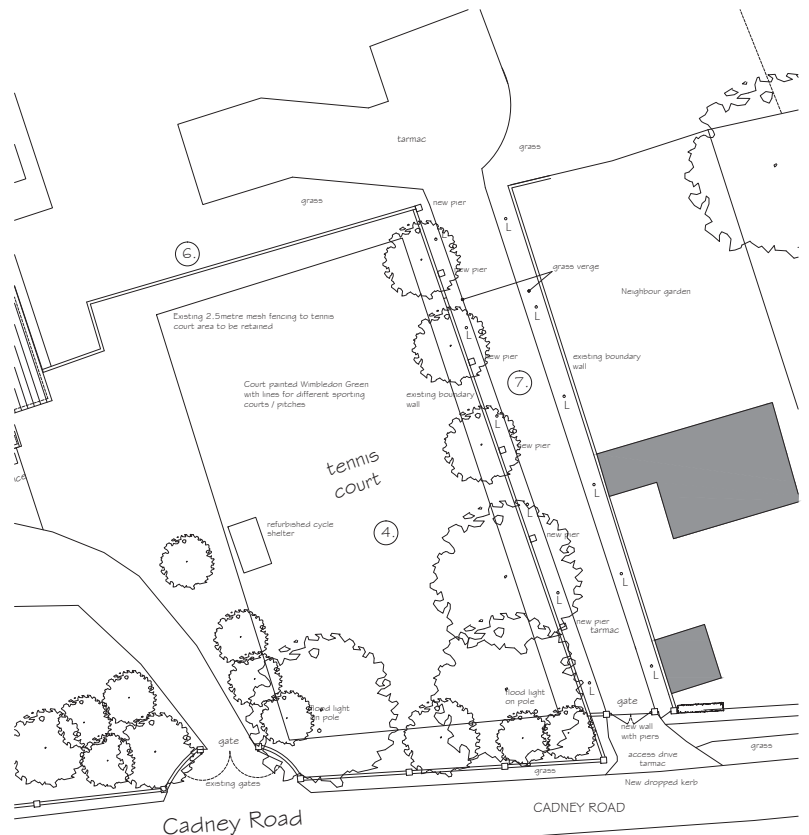


Photo of current wall prior to re-building of collapsed area

Existing wall to be demolished where it is failing / collapsing. All bricks are to be retained / salvaged by cleaning and all mortar removed. Wall to be rebuilt using these bricks.



Photo of current wall prior to re-building of collapsed area



Site Plan as Proposed

## ⑦ NEW DRIVE



Photo of current gate to be matched

New entrance / access drive to be created by installing a new boundary wall with gate. All to match the existing. New brick piers to be installed to support the existing collapsing / leaning wall. Drive the tarmac, verge to be grassed and new external lighting to be installed to match the existing Victorian style lamps.



Photo of current drive



Photo of current drive and gate



Photo of current drive / wall



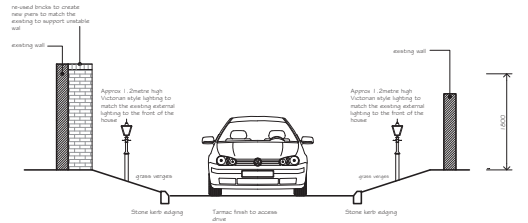
Photo of current gate



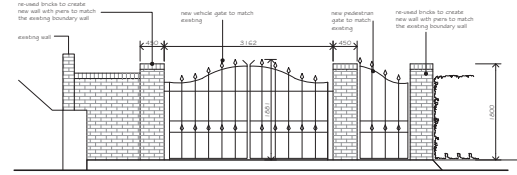
Photo of existing external lighting to be matched



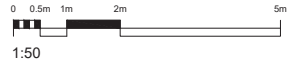
Photo of current drive



New Drive As Proposed



Entrance Gate/Wall As Proposed



1:50



PROJECT TITLE Proposed Works within Listed House Grounds	CLIENT Mr & Mrs Edmondson-Bennett Fox Farm, Cadney Road, Wrotham, LN7 6LA
DRAWING STAGE Design	SCALE 1:500 @ A1
SHEET TITLE Plans and Details as Proposed (sheet 2 of 2)	PROJECT NUMBER LN7-2808
	DATE CWE
	REV SG
	DRAWN BY SG
	SHT B
	004

DATE	NOTES	BY	REV
21/11/21	Issued for planning	SG	A
21/11/21	Issued for planning	SG	A