

APPLICATION NO	PA/2022/414
APPLICANT	Mr & Mrs Holt
DEVELOPMENT	Planning permission to erect a new detached dwelling with associated works (including demolition of existing stables)
LOCATION	West Street Stables, West Street, Hibaldstow
PARISH	Hibaldstow
WARD	Ridge
CASE OFFICER	Emmanuel Hiamey
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Trevor Foster – significant public interest)

POLICIES

National Planning Policy Framework:

Chapter 2 (Achieving sustainable development)

Chapter 4 (Decision-making)

Chapter 12 (Achieving well-designed places)

North Lincolnshire Local Plan:

Policy RD2 (Development in the Open Countryside)

Policy T2 (Access to Development)

Policy T19 (Car Parking Provision and Standards)

Policy H5 (New Housing Development)

Policy DS1 (General Requirements)

Policy DS5 (Residential Extensions)

Policy DS14 (Foul Sewage and Surface Water Drainage)

Policy DS16 (Flood Risk)

North Lincolnshire Core Strategy:

Policy CS1 (Spatial Strategy for North Lincolnshire)

Policy CS2 (Delivering More Sustainable Development)

Policy CS3 (Development Limits)

Policy CS5 (Delivering Quality Design in North Lincolnshire)

Policy CS7 (Overall Housing Provision)

Policy CS19 (Flood Risk)

CONSULTATIONS

Tree Officer: No adverse comments to make.

Environmental Protection: No objection, but has commented that this application for residential development is a sensitive end use. In addition, the application includes the demolition of the existing stables. There is, therefore, the potential for the site to have been impacted by contamination, which can include asbestos, heavy metals, PAHs and petroleum hydrocarbons, which are harmful to human health, and the department recommends conditions relating to potential contamination risks.

Building Control: Building regulations approval will be required for the proposed dwelling as well as a demolition notice for the existing stable block.

Highways: No objection subject to conditions.

LLFA Drainage: No objections or comments.

PARISH COUNCIL

No objection.

PUBLICITY

Advertised by site notice. Twenty-three responses have been received, all in support of the application, including the following comments:

- would enhance the current site and location
- the introduction of a pond and orchard will promote wildlife
- the plans are of a high quality.

ASSESSMENT

Constraints

SFRA Flood Zone 1

Agricultural Land Classification (Grade 2)

Outside Development Boundary

Planning history

PA/2021/1817: Planning permission to erect a new detached dwelling with associated works (including demolition of existing stables) – refused 23/12/2021.

Site and proposal

Planning permission is sought to erect a new detached dwelling with associated works (including demolition of existing stables) at 55 Carinya, West Street, Hibaldstow.

The site is outside the development boundary of Hibaldstow within the open countryside. The site comprises a smallholding/equestrian establishment, outbuildings and stables, together with land which has been used as a livery - a total area of some 3.78 acres. It is bounded by a field to the east, west and south and residential properties to the north. The site is accessed from West Street via a private road to the north.

The proposal seeks to erect a large two-storey dwelling with a sizeable footprint on the site. The walls would be finished in brickwork, with the roof covered in natural slate. The site layout plan also shows the creation of a large pond and landscaping, with earth mounds, grassed areas and planting.

The applicant has submitted a design statement, and landscape and visual statement.

By way of background, this proposal is a resubmission of the previously refused PA/2021/1817 on 23 December 2021. There are no significant changes between this current proposal and that previously refused in terms of siting, layout and design of the dwelling, except for changes to the landscaping.

The main issues to be considered in assessing this application are:

- **the principle of the development;**
- **layout, siting and design;**
- **impact on residential amenities;**
- **landscape and character;**
- **protection of trees;**
- **ecology impact;**
- **land contamination**
- **flood risk and drainage; and**
- **highways, access, and parking.**

Principle of development

The council is required to determine planning applications in accordance with its adopted development plan unless material considerations indicate otherwise.

The NPPF sets out the 'presumption in favour of sustainable development' and states that development that accords with the development plan should be approved without delay. Having specific regard to residential developments, the NPPF requires local planning authorities to 'boost significantly the supply of housing'.

North Lincolnshire Council published a statement in August 2021 confirming that it can now demonstrate a five-year housing land supply. As such, the development plan is considered up-to-date and NPPF paragraph 11 'tilted balance' does not apply for this proposal.

Policy CS2: Delivering more Sustainable Development states that in supporting the delivery of the spatial strategy set out in policy CS1, as well as determining how future development needs will be met in North Lincolnshire, a sequential approach will be adopted.

The adopted sequential approach focuses on the following:

- (a) previously developed land and buildings within the Scunthorpe urban area, followed by other suitable infill opportunities within the town, then by appropriate greenfield urban extensions
- (b) previously developed land and buildings within the defined development limits of North Lincolnshire's Market Towns, followed by other suitable infill opportunities then appropriate small scale greenfield extensions to meet identified local needs
- (c) small-scale developments within the defined development limits of rural settlements to meet identified local needs.

Policy CS3 of the Core Strategy provides that development outside defined development boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or other uses which require a countryside location or will contribute to the sustainable development of the tourist industry. In local planning terms, the site is outside the development boundary of Hibaldstow within the open countryside. Accordingly, it is not within a sustainable location and residential development on the site is contrary to policy.

Policy RD2 of the local plan restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is:

- essential to the efficient operation of agriculture or forestry;
- employment-related development appropriate to the open countryside;
- affordable housing to meet a proven local need;
- essential for the provision of outdoor sport, countryside recreation, or local community facilities;
- for the re-use and adaptation of existing rural buildings;
- for diversification of an established agricultural business;
- for the replacement, alteration or extension of an existing dwelling; and

- essential for the provision of an appropriate level of roadside services or the provision of utility services.

Having considered policy RD2, the development is not essential for agriculture or forestry and it is not for employment-related development appropriate to the open countryside. The development is not intended for affordable housing and is not for the diversification of an established agricultural business. Furthermore, the proposal is for a new dwelling, not re-use and adaptation of existing buildings. Therefore, the proposal does not meet the terms of policy RD2.

Whilst this policy remains, it has largely been overtaken by policies in subsequent plans addressing the same issue (policies CS2 and CS3 of the Core Strategy), to which the proposal is also contrary.

As indicated earlier, this proposal is a resubmission of that previously refused. In this case, the applicant is seeking an assessment of the site as previously developed land since the site is an equestrian establishment, and contains outbuildings and stables, together with land which has been used as a livery.

Policy CS8 of the Core Strategy deals with the distribution of housing sites. It states that in rural settlements in the countryside, and in the open countryside outside development limits, housing development will be strictly limited. The policy supports the re-use of previously developed land and buildings within North Lincolnshire's built-up areas and other suitable infill opportunities in North Lincolnshire's built-up areas. Accordingly, the argument of previously developed land does not conform with policy as the site is outside the development limit and the applicant has not demonstrated that the proposal is an acceptable departure from policy. Furthermore, in NPPF terms, this land is not classed as previously developed land as the definition excludes: 'land that is or was last occupied by agricultural or forestry buildings;'

Overall, the principle of the development is not acceptable because the proposal would not accord with policy RD2 of the local plan, and CS2, CS3 and CS8 of the Core Strategy.

Layout, siting and design

Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting;
- (d) establish a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractively, welcoming and distinctive places to live, work and visit;

- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Paragraph 128 of the NPPF requires that 'design quality should be considered throughout the evolution and assessment of individual proposals.'

Policy DS1 of the local plan is partly concerned with impacts on residential amenities. 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.'

Core Strategy policy CS5 requires all new development in North Lincolnshire to be well designed and appropriate for their context. It should contribute to creating a sense of place. The council will encourage contemporary design if it is appropriate for its location and is informed by its surrounding context. A 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.

Among other criteria, policy H5 requires all new housing development to not result in the loss of important open space, and to be in keeping with the scale and character of the settlement. The scale, layout, height and materials of the development are in keeping and compatible with the character and amenity of the immediate environment and with the settlement. Any development must have an adequate and appropriately designed access which will not create any traffic or road safety hazard, and adequate parking within the curtilage of the site is provided to ensure that no on-street parking occurs which would be to the detriment of the free and safe flow of vehicles using the public highway.

As indicated earlier, the proposal is for a large L-shaped two-storey dwelling with associated works (including demolition of the existing stables). The applicant has indicated in the design and access statement that the proposed finish for the walls includes brick and timber cladding, and the roof covering would be clay pantile. The dwelling is heavily fenestrated.

Having reviewed the details of the proposal in line with the above policies, and its impact on the immediate surroundings, it is judged that the proposed dwelling would be of a scale that would dominate the surrounding area and the open countryside. It is therefore deemed inappropriate for the location, and the scale, layout, height and materials of the development are not in keeping and compatible with the character and amenity of the immediate environment and nearby settlement. It would have a significant adverse visual impact on the character of the surrounding area.

Overall, the layout, siting and design of the proposal are contrary to policies DS1 and H5 of the local plan, policy CS5 of the Core Strategy and the National Planning Policy Framework.

Residential amenity

Policy DS1 of the local plan expects a high standard of design in all developments in both built-up areas and the countryside and proposals for poorly designed development will be refused. It states that ‘...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.’

The distance of the development proposal from nearby properties is adequate such that it is not likely the development would result in overshadowing or overbearing impact.

While the dwelling is heavily fenestrated, the proposed windows are positioned such that they would not directly overlook the amenity areas of nearby properties, and it is unlikely there would be an issue over privacy.

Overall, the proposal would not result in unacceptable amenity impacts that would be detrimental to nearby residential amenities and it aligns with local development plan policies.

Landscape and character

Policy LC7 of the local plan indicates that where development is permitted within rural settlements or the open countryside, special attention will be given to the protection of the scenic quality and distinctive local character of the landscape. Development which does not respect the character of the local landscape will not be permitted.

The policy aims to support the conservation and enhancement of the landscape and its features and maintain local variations in the landscape. Wherever possible, woodlands, grasslands, heathlands and other habitats of landscape importance, together with valuable existing landscape features, such as hedgerows, trees, copses, ponds, watercourses, dykes, historical sites, estate features, enclosure landscapes, and other built heritage features, will be protected and enhanced.

The applicant has submitted a landscape and visual statement. It provides an appraisal of the proposed development within the application site and surrounding study area.

The statement concludes that there will be a change in the character of the site from horse paddocks developed in an ad hoc way and poorly maintained to a domestic dwelling, which brings forward a typical country dwelling surrounded by ornamental, wooded and wildflower gardens which respect the location on the countryside edge.

Further, the statement introduces the development of wide ecological benefits and overall quality of the landscape and assesses there will be no impact on the wider landscape.

The statement indicates that the development would be of an appropriate scale and size positioned against the existing settlement edge. Due to the strong field boundaries, the vegetated village backdrop and the concentration of existing built form on the footprint (stables), it concludes that there would be no impacts on the wider landscape character, and that the development would improve the quality of the field in ecological terms and introduce new and valuable features into the landscape.

Having reviewed the details of the plans, together with the supporting statement, alongside the relevant policies of the local development plan, there is an argument that the dwelling would be viewed against the backdrop of the settlement.

However, the planning authority is of the view that, due to the appearance, scale, massing and location of the dwelling, it would dominate the site and surrounding area, and would be detrimental to the character of the landscape and nearby settlement.

The scale and appearance of the development compared to the surroundings are unjustified as it does not meet the aims of policy LC7, which seeks to support the conservation and enhancement of the landscape and its features, and maintain local variations in the landscape. The development is therefore contrary to policy LC7.

Protection of trees

Policy LC12 of the local plan requires that proposals for all new development will, wherever possible, ensure the retention of trees, woodland and hedgerows. Regard will be given to the protection of these features within the setting of settlements, the protection of ancient woodlands and historic hedgerows and the amenity value of trees within built-up areas. Tree preservation orders will be made where trees that contribute to local amenity or local landscape character are at risk. Landscaping and tree and hedgerow planting schemes will be required to accompany applications for new development where it is appropriate to the development and its setting.

The application site was previously used for stables and livery/agricultural use. The tree officer has been consulted and has no comments to make. Consequently, the proposal complies with policy LC12.

Ecology

Policy CS17 of the Core Strategy, as well as paragraph 174 of the NPPF, relates to biodiversity. Paragraph 174 states, in part, that a net gain for biodiversity should be achieved.

The council's ecologist has commented that no ecological surveys are required. However, conditions are proposed to minimise harm to protected and priority species and habitats and to seek a net gain in biodiversity in accordance with policy CS17, the NPPF and Biodiversity Metric 3.1.

Land contamination

The NPPF states that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. Policy DS11 of the local plan is concerned with polluting activities. It states that planning permission for development, including extensions to existing premises and changes of use, will only be permitted where it can be demonstrated that levels of potentially polluting emissions, including effluent, leachates, smoke, fumes, gases, dust, steam, smell, or noise, do not pose a danger by way of toxic release. Policy DS1 of the local plan is also concerned with the protection of amenities.

Policy DS7 of the 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 commented that this application for residential development is a sensitive end use. In addition, the application includes the demolition of existing stables. There is, therefore, the potential for the site to have been impacted by contamination. This can include asbestos, heavy metals, PAHs, and petroleum hydrocarbons, which are harmful to human health.

It is the developer's responsibility to assess and address any potential contamination risks; however, no supporting information has been provided that demonstrates potential risks can be reduced to an acceptable level.

Considering the above advice, the applicant should submit a Phase 1 report for consideration before the application is determined in accordance with national policy guidance. This will allow the council to decide whether a further assessment of the site is required and ensure that appropriate conditions are applied which render the development safe and suitable for use, before use.

However, If the council is minded to determine the application without the information required under national planning policy guidance then any grant of permission should contain appropriate conditions requiring the potential for land contamination to be investigated.

Subject to such conditions, the proposed development is considered to accord with policies DS1, DS7 and DS11 of the local plan.

Flood risk and drainage

The site is within SFRA Flood Zone 1, an area with a low potential for flooding. Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 of the local plan is concerned with foul sewage and surface water drainage.

As the application site is in Flood Zone 1 no flood risk assessment has been submitted.

The LLFA Drainage Team has no objection to the proposed development subject to the imposition of conditions and informative comments.

Highways

Policy T2 of the North Lincolnshire Local Plan states that all development should be served by satisfactory access. Policy T19 is concerned with parking provisions as well as general highway safety.

The use of the existing shared access by an additional property would not significantly increase traffic on the access and therefore would not overly impact nearby amenities because of increased vehicular movements.

Highways have no objections to the access arrangement subject to conditions.

Overall, it is considered, subject to conditions, that the proposal would align with policies T2 and T19 of the North Lincolnshire Local Plan and the National Planning Policy Framework.

Public comments

As indicated earlier, all the public comments received are in support of the application. The reasoning for the support has been discussed in this report. Overall, the site has been poorly managed, but while the proposal would improve the location and introduce biodiversity into the area, the principle of the development is not acceptable, and the planning authority does not support the design of the dwelling.

The final decision on any planning application must be taken under the development plan unless special circumstances (known as material considerations) apply.

Parish council comments

Hibaldstow Parish Council has no objection to the application but has noted that the site is outside the development boundary. The location of the site outside the development boundary has been considered in assessing the principle of the development and it is judged that the principle is not acceptable.

Conclusion

This development is for the erection of a large two-storey dwelling with associated works (including demolition of existing stables) with a significant footprint on a site outside the development limits of Hibaldstow as defined in the local development plan.

The council has demonstrated a deliverable five-year housing land supply as set out in the North Lincolnshire Five Year Housing Land Supply Statement and therefore the local development plan policies for the supply of housing can be considered up to date.

From the above, the principle of the development is unacceptable as it is contrary to policies RD2 of the local plan, and CS2, CS3 and CS8 of the Core Strategy.

In terms of previously developed land, while the site is on the edge of the settlement, currently contains horse paddocks and is poorly maintained, it is outside the development limit and the applicant has not demonstrated that the proposal is an acceptable departure from policy.

Regarding the scale, layout and design, as outlined in this report, the dwelling would dominate the surrounding area and would cause a significant adverse visual impact on the open countryside. The proposals would not form a suitable backdrop that would minimise the impact on the surrounding area. The development is therefore contrary to policies DS1 of the local plan and CS5 of the Core Strategy.

On amenity impact, it is unlikely the development would raise an undue impact on the amenity of surrounding properties by way of overshadowing or loss of daylight as there would be a satisfactory level of separation between the dwelling and nearby properties. The development would also ensure there is no significant loss of privacy.

The proposal would allow for safe and convenient access and parking provision.

Concerning the history of the site, generally, a resubmitted application is expected to take into account the reasons for refusal of the initial proposal and enhance it. While the previous proposal (PA/2021/1817) was refused on grounds of appearance, scale, massing and location, the applicant has not made any effort to address these reasons. The planning

authority therefore maintains that the principle of the development, and its appearance, scale, massing and location, are unacceptable and the proposal cannot be supported.

Overall, the principle of development is unacceptable as its location represents an unsustainable form of development in the open countryside. Furthermore, the layout, siting, design and appearance of the proposal are unacceptable and would dominate the surrounding area and the countryside. The proposal does not comply with policies DS1, H5, RD2 and LC7 of the local plan, nor policies CS2, CS3 CS5 and CS8 of the Core Strategy, and is recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1

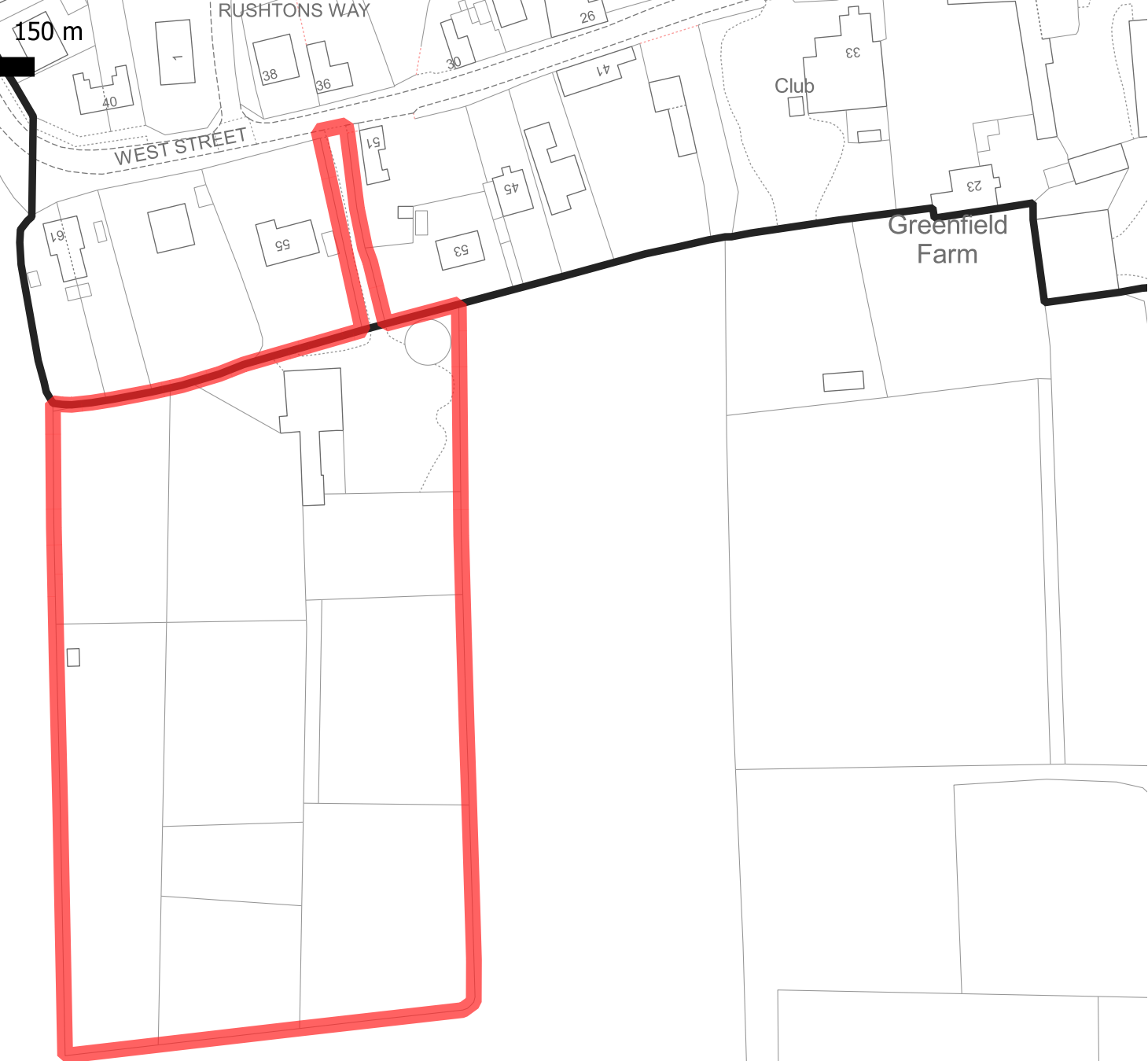
The principle of development is not acceptable because it is located in the open countryside and represents an unsustainable form of development, which is contrary to the aims of the local development plan. Furthermore, the benefit of the planned biodiversity scheme and improvements to the site do not outweigh the harm placed upon the open countryside. The proposal is therefore considered to be contrary to policies RD2 of the North Lincolnshire Local Plan, and CS2, CS3 and CS8 of the Core Strategy.

2.

The proposal, by virtue of its appearance, scale, massing and location, would dominate the site and the open landscape, and would be detrimental to the character of the nearby settlement. It does not recognise the intrinsic character of the countryside. The proposal is therefore contrary to policies RD2, H5 and LC7 of the North Lincolnshire Local Plan, and CS5 of the Core Strategy, as well as the National Planning Policy Framework.

Informative

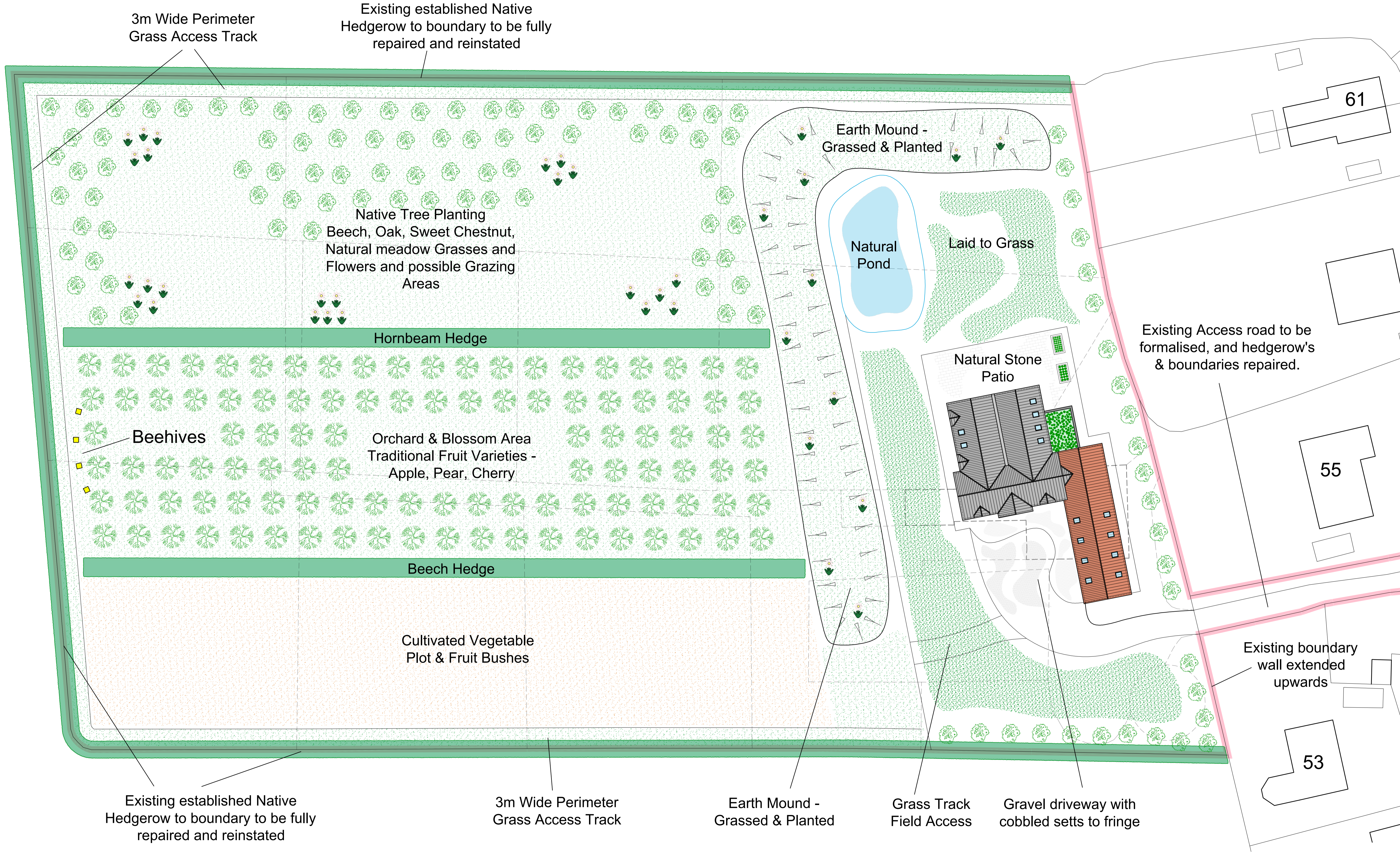
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.

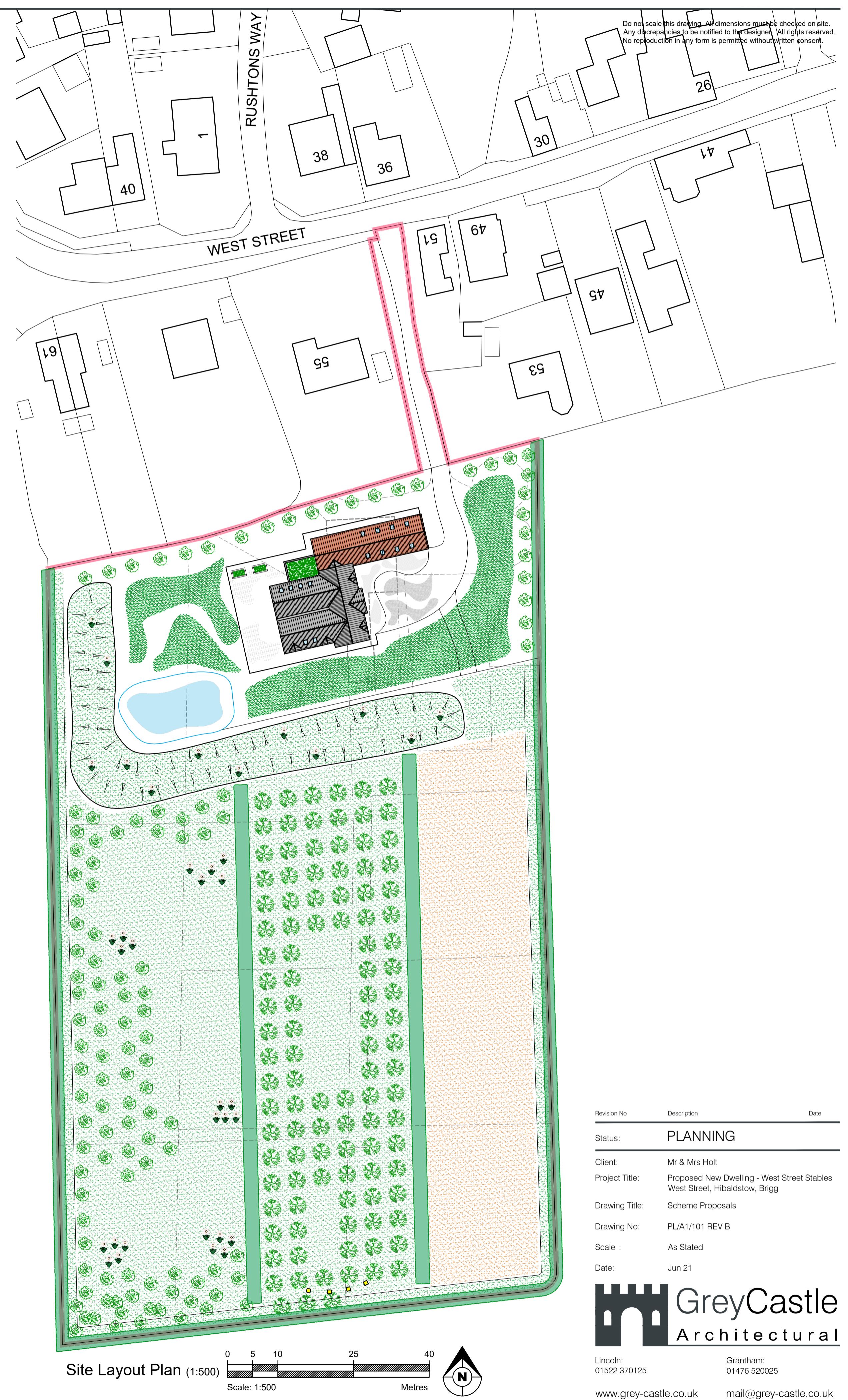
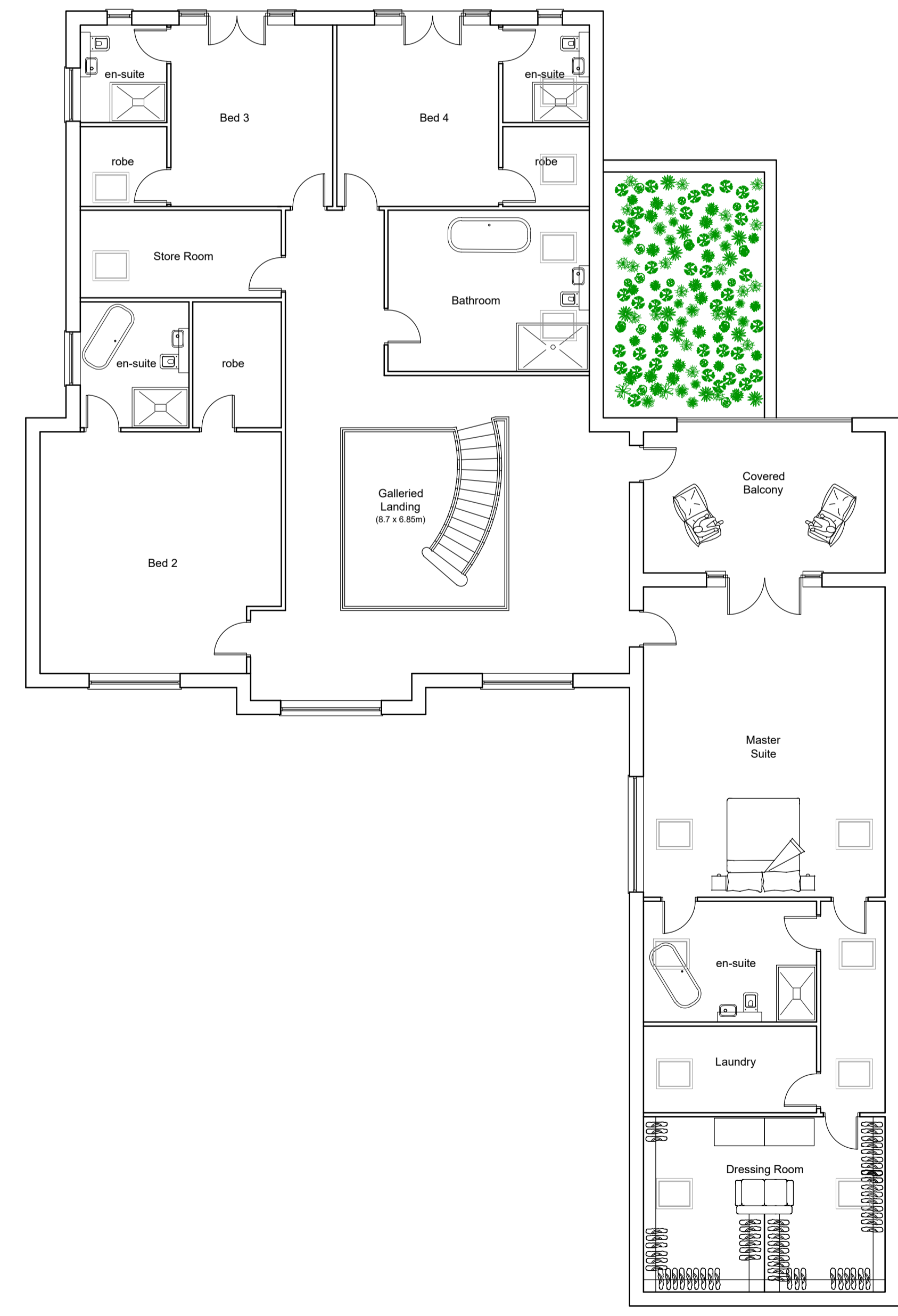
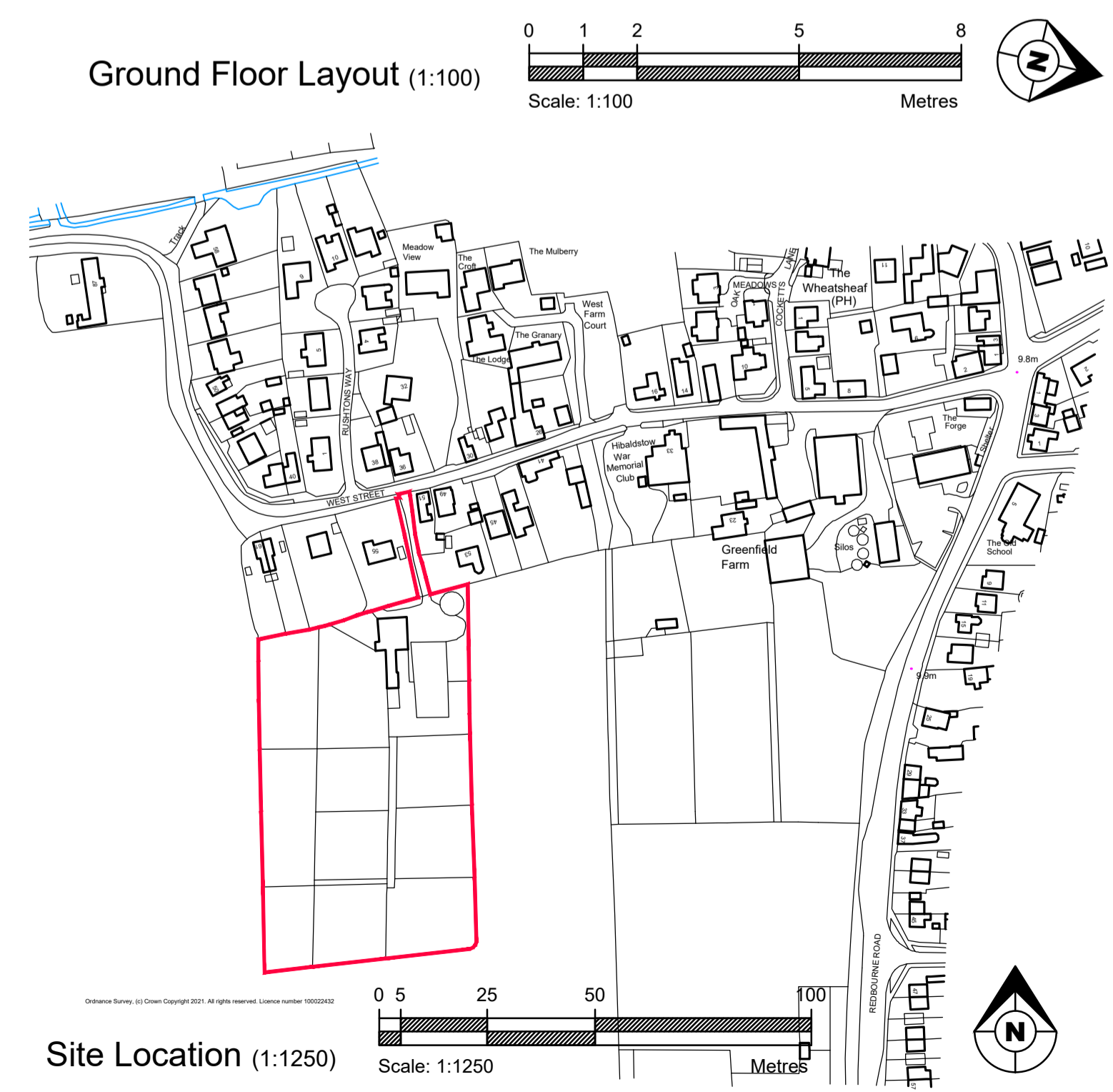
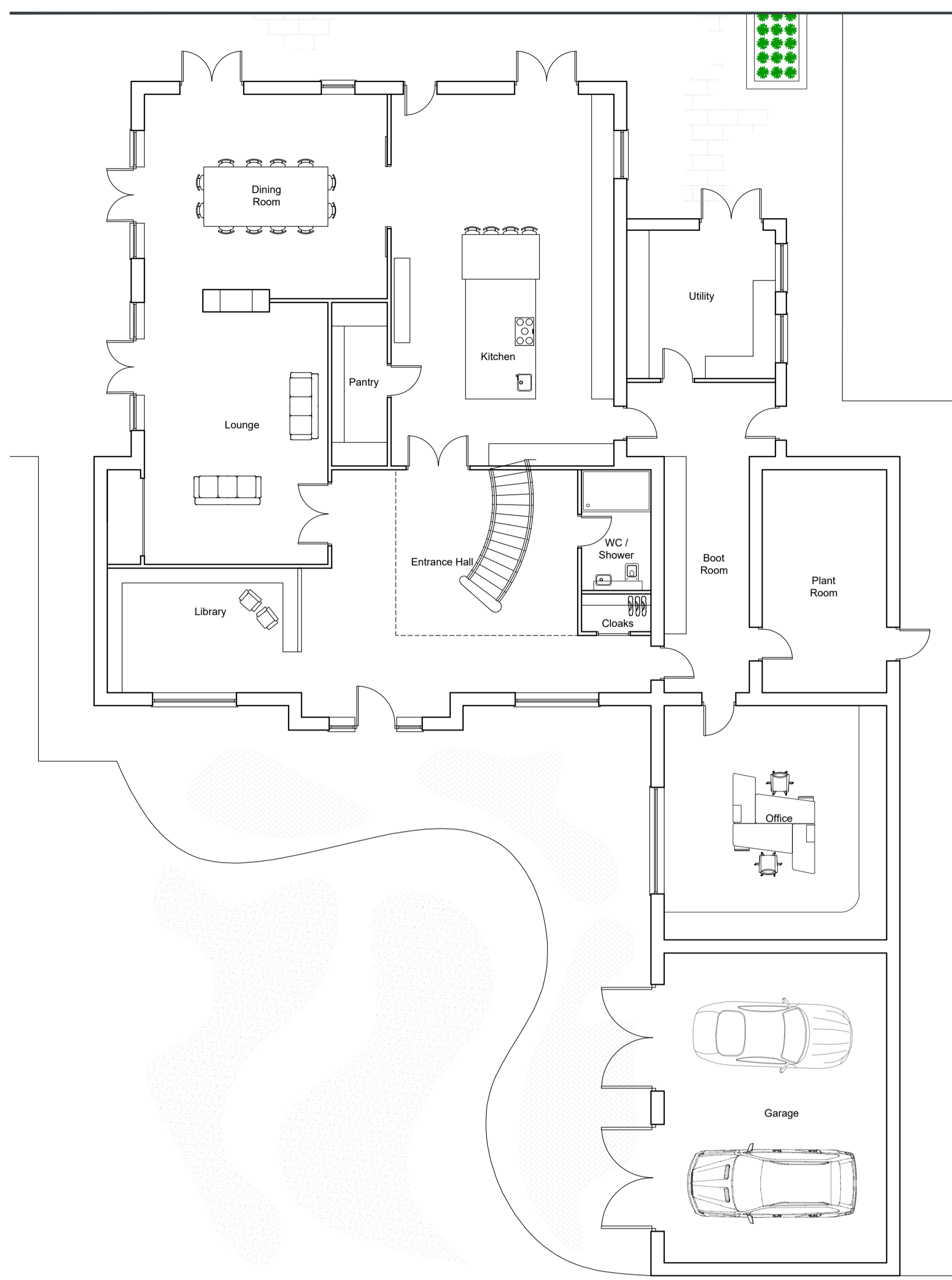


 Development Boundary

PA/2022/414

**North
Lincolnshire
Council**





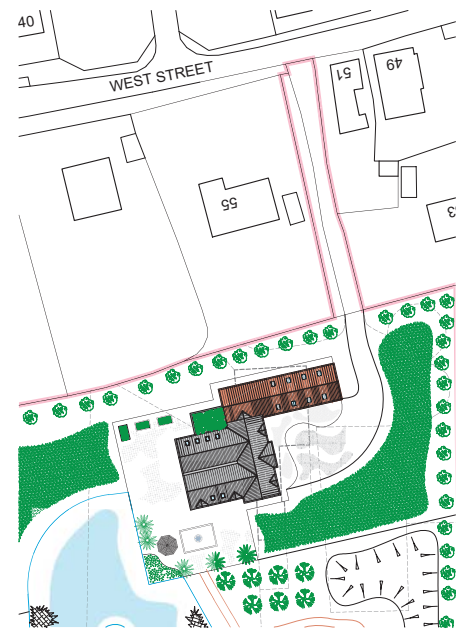
Revision No	Description	Date
Status: PLANNING		
Client:	Mr & Mrs Holt	
Project Title:	Proposed New Dwelling - West Street Stables West Street, Hibaldstow, Brigg	
Drawing Title:	Scheme Proposals	
Drawing No:	PL/A1/101 REV B	
Scale :	As Stated	
Date:	Jun 21	

PA/2022/414 Proposed elevations (not to scale)

Do not scale this drawing. All dimensions must be checked on site. Any discrepancies to be notified to the designer. All rights reserved. No reproduction in any form is permitted without written consent.



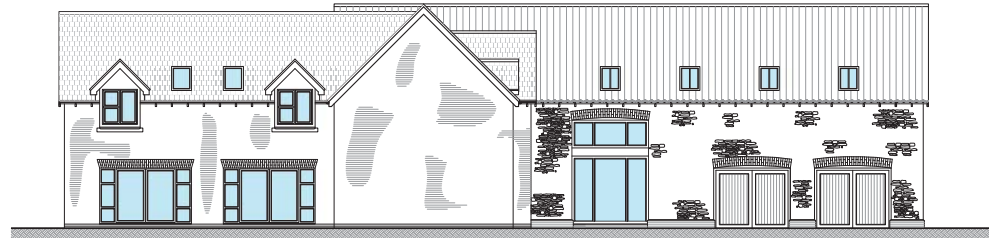
Proposed Front Elevation (1:50) - eastern



Reference Layout (nts)



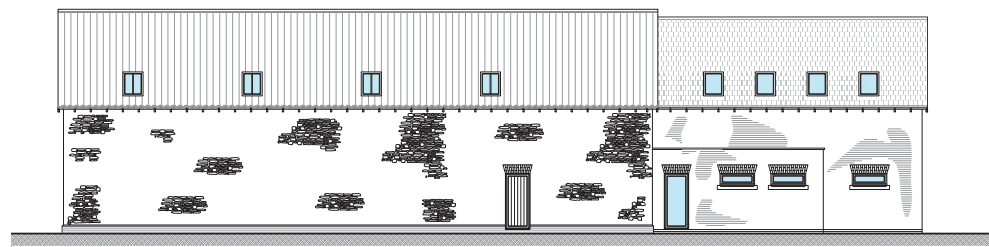
Proposed Front Elevation (1:100) - eastern



Proposed Side Elevation (1:100) - southern



Proposed Rear Elevation (1:100) - western



Proposed Side Elevation (1:100) - northern

Revision No	Description	Date
Status: PLANNING		
Client:	Mr & Mrs Holt	
Project Title:	Proposed New Dwelling - West Street Stables West Street, Hudderslow, Brigg	
Drawing Title:	Proposed Elevations	
Drawing No:	PLA/1/102	
Scale:	As Stated	
Date:	Jun 21	