

<b>APPLICATION NO</b>	<b>PA/2022/448</b>
<b>APPLICANT</b>	Mr A Almond
<b>DEVELOPMENT</b>	Application for permission in principle for the erection of a dwelling
<b>LOCATION</b>	Land to the west of Janrew, Main Street, Cadney, DN20 9HR
<b>PARISH</b>	Cadney
<b>WARD</b>	Ridge
<b>CASE OFFICER</b>	Emmanuel Hiamey
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Support by Cadney cum Howsham Parish Council

## **POLICIES**

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

Chapter 2: Achieving sustainable development

Chapter 4: Decision making

Chapter 5: Delivering a sufficient supply of homes

Chapter 11: Making effective use of land

Chapter 12: Achieving well-designed places

Chapter 14: Meeting the challenge of climate change, flooding, and coastal change

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

Policy H8: Housing Design and Housing Mix

Policy T2: Access to Development

Policy T19: Car Parking Provision and Standards

Policy RD2: Development in the Open Countryside

Policy DS1: General Requirements

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: Design

Policy CS7: Overall Housing Provision

Policy CS8: Spatial Distribution of Housing Sites

Policy CS19: Flood Risk

## **CONSULTATIONS**

**Environmental Protection:** No objection subject to conditions.

**LLFA Drainage Team:** No objection subject to conditions.

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

## **PARISH COUNCIL**

Supports the application but has reservations concerning the infrastructure in the area, specifically water supply and roads.

Also, some reservations about the building behind the property and whether that is within the current building line.

## **PUBLICITY**

A site notice has been posted and 14 comments have been received: 7 objecting to the proposal and 7 in support. The matters raised include the following:

### **Objections:**

- drainage
- design
- increase in traffic
- privacy
- sunlight and daylight
- highway issues
- overlooking
- sub-division of garden land

- cramped development
- effect on views over the countryside
- impact on the character of the village
- the utilities in the village.

### **Support:**

- support the use of garden space for new development
- no issue of public safety
- no issue of increased traffic
- no privacy issues
- the design looks in keeping with the local area.

## **ASSESSMENT**

### **Description of site and proposed development**

Planning permission in principle is sought for the erection of a dwelling on land to the west of Janrew, Main Street, Cadney.

The application site lies partly within and partly outside the development boundary of Cadney. It comprises a large two-storey detached dwelling with a shed attached to the gable and an outbuilding within the curtilage of the dwelling at the rear. The site fronts Main Street. It is bounded on the west by Pye Cottage and on the east by The Paddock. At the rear, it is bounded by a field.

The application site is screened by mature trees, hedging and a close-boarded timber fence.

The proposal involves the sub-division of the existing garden of Janrew to form two dwellings (i.e. an additional dwelling to be added to the existing dwelling).

A site location plan and an indicative block plan have been submitted for consideration. The proposed dwelling would be sited on that part of the plot outside the development boundary. The block plan shows that the proposal would comprise a two-storey detached dwelling and a single-storey outbuilding.

A new vehicular access from Main Street would be formed to serve the proposal.

**The key issue for consideration is the principle of development.**

### **Principle of the development**

The permission in principle route has two stages: the first ('permission in principle') establishes whether a site is suitable in principle; and the second ('technical details consent') is when the detailed development proposals are assessed.

The scope of permission in principle is limited to location, land use and amount of development. Other matters should be considered at the technical details consent stage. It is not possible for conditions to be attached to a grant of permission in principle nor can planning obligations be secured, and its terms may only include the site location, the type of development and the amount of development.

The technical details consent stage will provide the opportunity to assess the detailed design of the scheme to ensure that any impacts are appropriately mitigated and that contributions to essential infrastructure, for example, are secured. If the technical details are not acceptable, the local authority can refuse the application.

As indicated earlier, this proposal seeks to subdivide the property of Janrew to erect a new two-storey detached dwelling and an outbuilding.

The site is partly within and partly outside the development boundary. An indicative layout has been submitted to demonstrate that a dwelling can be accommodated on the site.

The indicative layout shows that the dwelling would be sited on the northern part of the site, outside the development boundary. It also shows a new access and driveway would be formed.

Legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP) and the North Lincolnshire Core Strategy (NLCS).

Material considerations exist in the form of national policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising the National Planning Practice Guidance (NPPG).

The relevant planning policies to determine the principle of development are RD2 (Development in the Open Countryside) of the local plan and Policy CS2 (Delivering More Sustainable Development) and CS3 (Development Limits) of the Core Strategy.

Policy RD2 restricts development in the open countryside other than in exceptional circumstances. This policy only supports residential development outside defined development limits where it is to meet an essential proven need and the open countryside is the only appropriate location for the development. Whilst this policy remains, it has been overtaken by policies in subsequent plans addressing the same issue (policies CS2 and CS3 of the Core Strategy).

Policy CS2 (Delivering More Sustainable Development) allows for small-scale development within the defined development limits of rural settlements to meet identified local needs. Any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted. Only development which is essential to the functioning of the countryside will be allowed to take place. This might include uses such as those related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry.

Policy CS3 provides that outside development boundaries development will be restricted to that which is essential to the functioning of the countryside. In local planning terms, the site for the dwelling is outside the development boundary within the open countryside.

Having reviewed the above policies, in line with the proposal, the dwelling would be located in the northern part of the plot, outside the development boundary, in the countryside, where it would conflict with policies CS2 and CS3 of the Core Strategy for the reason that it is not related to agriculture, forestry or other uses which require a countryside location or which will contribute to the sustainable development of the tourist industry, and the site is not an allocated housing site.

Notwithstanding the development plan policies and the assessment set out above, the NPPF is a material consideration when determining planning applications. Paragraph 10 of the NPPF states, 'So that sustainable development is pursued positively, at the heart of the Framework is a presumption in favour of sustainable development.'

Paragraph 11(d) of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. Where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites, relevant policies which were most important to determining the application should not be considered up to date.

A recent appeal decision dated 20 July 2022 (planning reference PA/2020/554) has been issued where the Inspector has concluded that the council does not currently have a five-year housing land supply of deliverable sites. The council's Five Year Housing Land Supply Position Statement is awaiting an update and as such any decisions made by the planning authority will take account of the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF. The current local policies which are most important for determining the application will carry reduced weight during this period. The lack of a five-year supply of housing land and the scale of the shortfall limits the weight which can be attributed to these policies.

In this case, the applicant has not submitted any information to demonstrate the three dimensions of sustainable development as set out in paragraph 8 of the Framework: economic, social and environmental benefits of the development.

The Framework recognises that sustainable development is about change for the better. It is about growth, plus making economic, environmental and social progress. To achieve sustainable development, the authority seeks economic, social and environmental gains jointly.

The development would be just outside the settlement boundary and potentially would have some level of economic, social and environmental benefits. However, the planning authority's assessment of the three dimensions of sustainable development as set out in paragraph 8 of the Framework concludes that Cadney is a small rural settlement with limited facilities and services to meet day-to-day needs. It is ranked the 60th in the Sustainable Settlement Hierarchy for North Lincolnshire (out of 86) so any benefit would be extremely low and there would be a reliance on the use of the motorcar to access facilities. Further, the proposal is for a single dwelling, so the benefit of the proposal is limited in terms of addressing the identified deficiency in deliverable housing sites. Therefore, the planning authority concludes that the proposal does not constitute sustainable development.

The details of the report set out below outline the impact of the development and judge that restricting development would not severely affect the ability of the authority to address the need for housing.

Overall, it is judged that the development conflicts with policies RD2 of the local plan, and CS2 and CS3 of the Core Strategy, and the benefit would not outweigh the negative impact outlined in the report. The proposal does not therefore qualify as sustainable development and the principle is not acceptable.

### **Layout and siting**

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 design quality to be considered throughout the evolution and assessment of individual proposals.

Policy DS1 (General Requirements) 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. All proposals will be considered against design quality and should reflect or enhance the character, appearance and setting of the immediate area, and the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site. On amenity impact, this policy requires 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.

Core Strategy policy CS5 (Delivering Quality Design in North Lincolnshire) 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.

The North Lincolnshire development plan does not presume against the sub-division of a plot for a new residential development on garden land. However, it requires that all

proposals should reflect or enhance the character, appearance and setting of the immediate area. Further, the design and layout should respect, and where possible retain and/or enhance, the existing landform of the site.

The development pattern is a linear settlement, where the dwellings are constructed in lines, next to the road. While the plot would be divided along the side with direct access to the road, the frontage of the plot alongside the road would be at odds with the character of the area. Further, the plot size and shape would be uncharacteristic (unusual) in the immediate area and would not preserve the character of the area.

The indicative plan shows that the site layout, and a potential dwelling on the northern part of the site, would not reflect the character of the area, particularly in such an established linear settlement, where the dwellings are constructed in lines, next to the road.

Further, the dwellings alongside the road have suitably sized gardens at the rear of the property. This proposal would therefore unbalance the pattern and character of the area.

Overall, the siting and layout of the plot would not be appropriate and would not fit in well with the setting. In terms of the indicative plan, the location of the proposed dwelling would harm the character of the area. The layout of the dwelling would not retain the linear character of the dwellings in the area to preserve the visual impact.

### **Impact on the amenity of neighbouring properties**

As indicated earlier, policies DS1 and CS5 expect 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. They require all proposals to be considered against the quality of the design and amenity, among others. Further, the NPPF advises that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

As this application is for permission in principle, the design details of the dwelling have not been provided. These would be considered at the technical details consent stage.

### **Highway matters**

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

Highways have no objection to the application subject to conditions relating to the location and layout of the vehicular access; the number, location and layout of vehicle parking and turning spaces within the curtilage of the site; and the material for the driveway and parking area.

These conditions cannot be attached to a grant of permission in principle. 'Permission in principle' is to establish whether the site is suitable for residential development. The second stage is 'technical details consent', which is when the specific development proposals are assessed, including highway matters.

## **Flood risk and drainage**

Policy CS19 of the Core Strategy is concerned with flood risk and policy DS14 is concerned with foul sewage and surface water drainage. The site is within SFRA Flood Zone 1 (Low flood risk area).

The LLFA Drainage Officer has been consulted and has no objection to the proposed development.

However, the officer has recommended that no development shall take place until a drainage strategy has been submitted to and approved in writing by the local planning authority. This should include proposals to mitigate the risk of localised flooding, together with preliminary drainage layout plans and outfall arrangements.

The officer has commented that the development lies within an area identified as at risk of localised flooding and has the potential for overland flow flood risk. They would therefore also suggest upsizing the pipe network and increasing storage around the development to cater for more intense storm conditions.

Further, although there is no requirement in terms of surface water flood risk compliance, it would be good practice on the developer's behalf to ensure an increased level of resilience for the development and its future occupiers.

These conditions cannot be attached to a grant of permission in principle. The approval of 'permission in principle' establishes that a site is suitable for residential development. The second stage is 'technical details consent' which is when the specific development proposals, including drainage, are assessed.

## **Parish council and public comments**

As indicated earlier, Cadney Parish Council has raised concerns about infrastructure in the area, specifically water supply and roads. The public has also raised concerns about drainage, the design of the dwelling, traffic, impact on surrounding amenities and utilities. There is also support for the proposal with regard to impact on amenities, the design and highway issues.

The concerns raised and the support for the proposal are matters to be discussed at the technical details consent stage. Accordingly, no comments are made on the remarks.

## **Conclusions**

While the site is partly within and partly outside the development boundary, the area within the development boundary cannot accommodate a dwelling. The indicative layout plan has confirmed that the development would be on the northern part of the plot, outside the development boundary. From the assessment above, the principle of a dwelling outside the development boundary does not comply with the local development plan.

While legislation requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise, the developer has not submitted any supporting information to demonstrate that the development is an acceptable departure or constitutes sustainable development.



On balance, as highlighted in the principle of the development section, the development conflicts with policies CS2 and CS3 of the Core Strategy and policies RD2 of the local plan and therefore is not acceptable in principle.

The siting and layout of the development are also not acceptable as the plot would not be appropriate for a dwelling, nor would it fit in well with the setting. The indicative plan also demonstrates the site layout and any potential dwelling on the northern part of the site would not reflect the character of the area, particularly the established linear settlement, where the dwellings are constructed in lines, next to the road. The layout of the dwelling would not retain the linear character of the dwellings in the area to preserve the visual impact. The siting and layout do not conform with the aims of policy DS1 of the local plan, nor Core Strategy policy CS5.

The benefit of the development would not outweigh the negative impact outlined in the report and the proposal does not, therefore, qualify as sustainable development.

The application is recommended for refusal.

**RECOMMENDATION      Refuse permission for the following reasons:**

1.

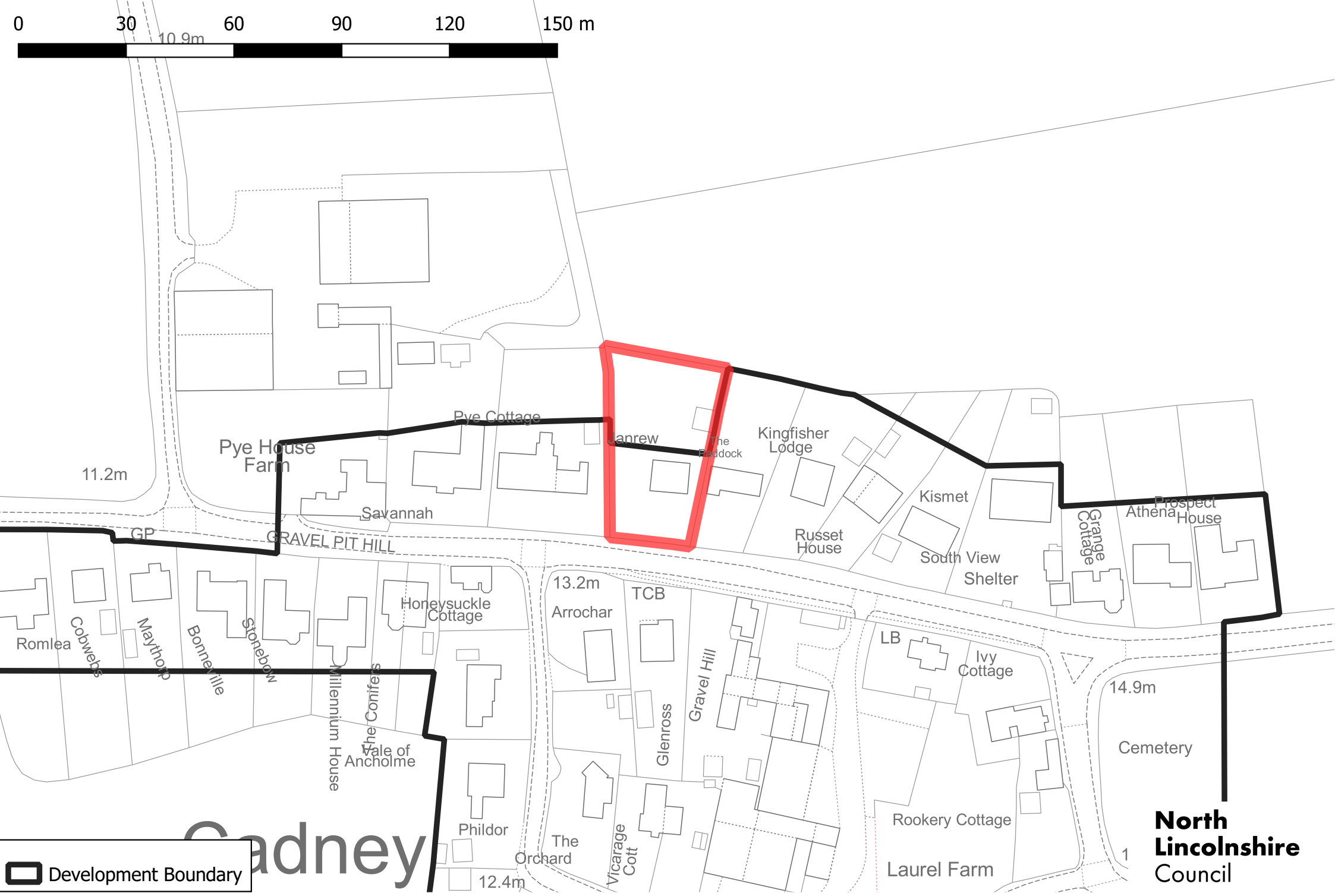
The dwelling would be sited on the northern part of the plot, outside the development boundary for Cadney and therefore in the open countryside, where development is restricted to that which is essential to the functioning of the countryside. The development does not conform with policies RD2 of the North Lincolnshire Local Plan or CS2 and CS3 of the Core Strategy.

2.

The siting and layout would not be appropriate because a dwelling cannot fit in well in the southern part of the plot to conform to the character of the area; plus, in the northern part of the plot, where the dwelling is proposed on the site, it would not reflect the character of the area, particularly the established linear settlement, where the dwellings are constructed in lines, next to the road and preserve the visual impact. It would result in a cramped development to the detriment of the characteristics of the area, contrary to policy DS1 of the North Lincolnshire Local Plan, policy CS5 of the Core Strategy, and the National Planning Policy Framework in that the surrounding area is characterised by detached dwellings with large gardens set back considerably from the road.

**Informative**

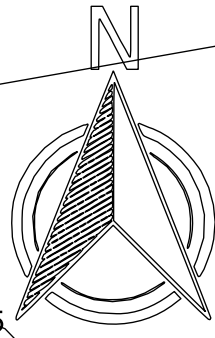
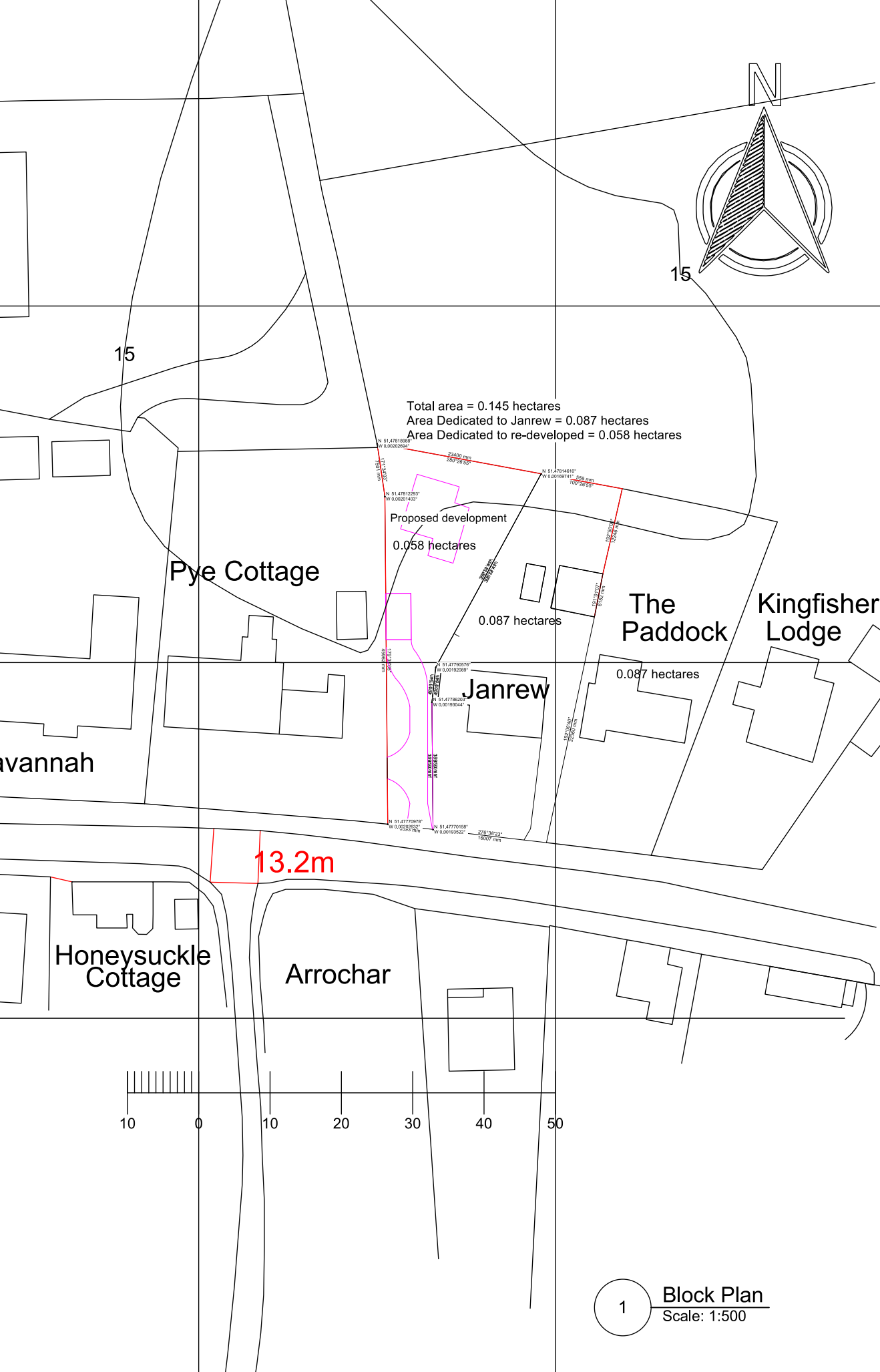
In determining this application, the council, as local planning authority, has taken account of the guidance in paragraph 38 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Development Boundary

**PA/2022/448**

**North  
Lincolnshire  
Council**



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Date	No.	Revision Notes

Date	No.	Issue Notes



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Project Title  
**Proposed Development  
 to West of 'Janrew',  
 Main Street, Cadney  
 for Mr A Almond.**

Sheet Title  
**General Arrangement - Block  
 Plan.**

Sheet Scale 1:500 th	Drawn By DJK
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Total Sheets 1 - A3	Reviewed By Feb 2022
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File Name  
 C:\Projects\2022\PA/2022/448\Drawings\01-Block Plan.dwg

Sheet No.  
 100%-DKA-Plans - A3-GA(EL)004

Suitability  
 Outline Planning Application

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 obtained prior to commencement of work on site.  
 All dimensions and levels to be verified on site.

1 Block Plan  
 Scale: 1:500

# PA/2022/448 Indicative elevations (not to scale)



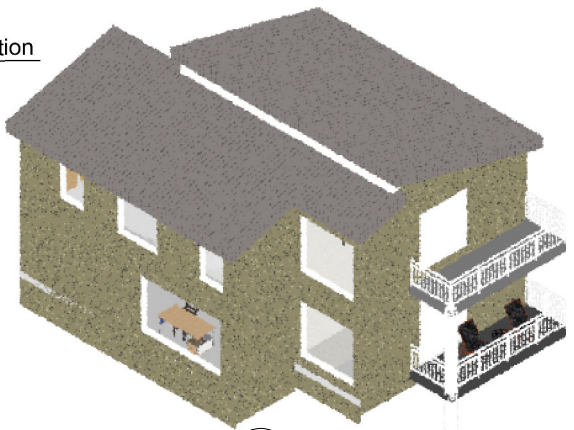
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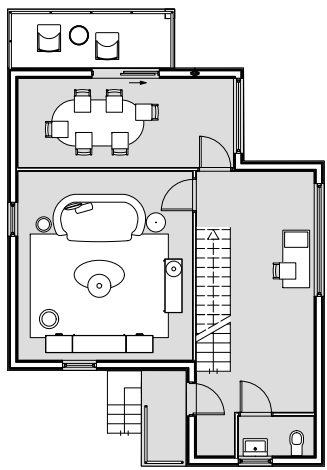
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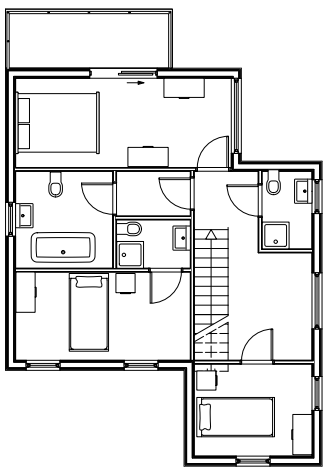
6 Side Elevation  
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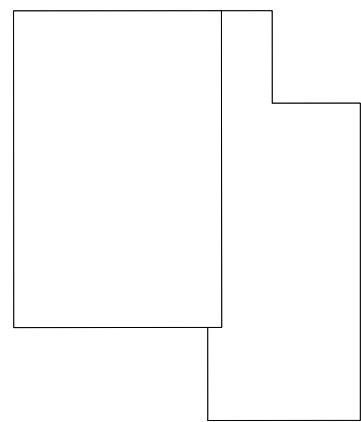
8 Rear Isometric Drawing  
Scale: 1:100



1 Ground Floor Plan  
Scale: 1:100



2 First floor Plan  
Scale: 1:100



3 Roof Plan  
Scale: 1:100



7 Rear Elevation  
Scale: 1:100

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Date: Nil, Issue Notes:



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**CIOBRIBA**

Project Title:  
**Application for Permission in Principle for development of Land adjoining 'Janrew', Main Street, Cadney for Mr and Mrs A Almond.**

Sheet Title:  
**General Arrangement - Concept Drawing House Plans and Elevations.**

Sheet Scale 1:100 th	Drawn by DJK
Total Sheets 1 - A3	Revised by Mar 2022

File Name:  
 Development on Main Street, Cadney for Mr and Mrs A Almond.

Sheet No.  
 1001-DJK- Plans -A3-GA(EL)003

Submitted:  
 Planning Application

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