

APPLICATION NO	PA/2022/2210
APPLICANT	Mrs Pauline Seddon
DEVELOPMENT	Planning permission to erect a three-bedroomed, single-storey dwelling
LOCATION	Chapel House, West Halton Road, Coleby, DN15 9AL
PARISH	Alkborough and West Halton
WARD	Burton upon Stather and Winterton
CASE OFFICER	Paul Skelton
SUMMARY RECOMMENDATION	Refuse
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Cllr Ralph Ogg – to consider whether the site is an acceptable location for a new dwelling)

POLICIES

North Lincolnshire Local Plan:

H5 – New Housing Development

H8 – Housing Design and Housing Mix

RD2 – Development in the Open Countryside

T1 – Location of Development

T2 – Access to Development

T19 – Car Parking Provision and Standards

LC5 – Species Protection

LC7 – Landscape Protection

DS1 – General Requirements

DS14 – Foul Sewage and Surface Water Drainage

North Lincolnshire Core Strategy:

CS1 – Spatial Strategy for North Lincolnshire

CS2 – Delivering More Sustainable Development

CS3 – Development Limits

CS5 – Delivering Quality Design in North Lincolnshire

CS7 – Overall Housing Provision

CS16 – North Lincolnshire’s Landscape, Greenspace and Waterscape

CS17 – Biodiversity

CS25 – Promoting Sustainable Transport

Housing and Employment Land Allocations Development Plan Document:

Policy PS1 – Presumption in favour of sustainable development

New North Lincolnshire Local Plan Submission: The new North Lincolnshire Local Plan was submitted for public examination to the Planning Inspectorate on 11 November 2022. Examination of the Plan has therefore commenced, although public hearing sessions are not anticipated until later in 2023.

The Submitted North Lincolnshire Local Plan can be given some weight as a material planning consideration in the determination of planning applications. The relevant policies concerning this application are:

SS1: Presumption in Favour of Sustainable Development

SS2: A Spatial Strategy for North Lincolnshire

SS3: Development Principles

SS5: Overall Housing Provision

SS6: Spatial Distribution of Housing Sites

SS11: Development Limits

H2: Housing Mix and Density

RD1: Supporting Sustainable Development in the Countryside

DQE1: Protection of Landscape, Townscape and Views

T1: Promoting Sustainable Transport

DM1: General Requirements

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 8 – Promoting healthy and safe communities

Chapter 9 – Promoting Sustainable Transport

Chapter 12 – Achieving well-designed places

Chapter 15 – Conserving and enhancing the natural environment

CONSULTATIONS

Highways: No objection subject to a standard condition requiring access, parking and turning space to be provided and maintained.

LLFA Drainage: No comments to make following the submission of further information regarding the existing ponds on the site.

Environmental Protection: Following the submission of a Phase 1 Risk Assessment, no objection subject to a precautionary contamination condition.

Severn Trent Water Limited: The site is outside Severn Trent's area.

PARISH COUNCILS

Alkborough and Walcot Parish Council: No response received at time of writing.

West Halton Parish Council: No objection.

PUBLICITY

The application has been advertised by site and press notice; no comments have been received.

ASSESSMENT

Planning history

The relevant planning history for the wider site at Chapel House is as follows:

7/1990/0568: Change of use of a single room for office use in connection with a building contractors' business – approved.

7/1990/0643: Change of use of part of a domestic garden for the storage of general builders' materials – approved.

A further application was submitted to continue this use in 1992, however there is no record of the application being determined and it is understood the use ceased some time ago.

7/222/95: Extensions and the creation of a separate flat to be used by dependent relatives – approved.

The site and its location

The application site lies north of the small rural settlement of Coleby. The site is outside of any recognised development boundary and is therefore in the open countryside. There are no significant planning constraints.

The site is accessed via a driveway running north from the village street. To the west of the access drive and south of the site is a dense woodland, as there is to the west. To the east and north are open agricultural fields across which Chapel House is clearly visible. A previously tied bungalow (Manor Bungalow) lies directly east, with Manor Farm to the north of that. To the immediate north of Manor Bungalow, planning permission has been granted for a new agricultural worker's dwelling.

The site itself is part of the garden of Chapel House.

The development

The application proposes a single detached dwelling. It is indicated in the Design and Access Statement (DAS) submitted with the application that the dwelling would follow the principles and standards of PassivHaus insulation, passive solar gain and thermal mass and would require no central heating. The DAS says that the dwelling would have a low environmental impact; the application estimates that less than half the CO2 would be produced as no bricks/concrete roof tiles/steel and less cement would be used in the build, amongst other energy saving features included in the design, although this does conflict with the elevation drawing which indicates concrete tiles will be used.

The DAS indicates that the building would be easily and quickly built using panels constructed in the UK and would be watertight within 5–7 days. The building would be low cost compared to conventional builds and would be an easily copied low tech pattern for future builds. The kit arrives in one lorry load and is supplemented with locally sourced materials, and is put together by joiners and other local tradespeople.

Access would be shared with Chapel House with a parking and turning area to serve the new house. A short length of fencing to subdivide the new dwelling from the existing would be positioned along the new boundary.

Material considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act states that, in dealing with an application for planning permission, the local planning authority shall have regard to the provisions of the development plan, so far as material to the application; any local finance considerations, so far as material to the application; and any other material considerations.

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). Other material planning policy considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Local Plan and a suite of supplementary planning documents.

The key issues to be considered in determining this application are the principle of development, accessibility, landscape impact/design and highway safety.

The principle of development

The site is located outside the settlement boundary of Coleby, as defined by the Housing and Employment Land Allocations DPD, in an area where new housing is strictly controlled by development plan policies.

Saved local plan policy RD2 sets out that development in the open countryside will be strictly controlled. This policy only supports residential development outside defined development limits in certain circumstances, none of which apply in this case.

Core Strategy policy CS2 (Delivering More Sustainable Development) sets out that 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 will contribute to the sustainable development of the tourist industry. A 'sequential approach' will also be applied to ensure that development is, where possible, directed to those areas that have the lowest probability of flooding, taking account the vulnerability of the type of development proposed, its contribution to creating sustainable communities and achieving the sustainable development objectives of the plan.

Policies CS3 and CS8 similarly strictly limit housing development outside development boundaries to that which is essential to the functioning of the countryside.

In light of the above, it is clear that the proposed development would conflict with saved policy RD2 of the local plan and policies CS2, CS3 and CS8 of the Core Strategy.

The application is promoted on the basis that it would meet the requirements of paragraph 80 of the NPPF, which seeks to avoid the development of isolated homes in the countryside unless, amongst other things:

- '(e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.'

In this context, 'isolated' means isolated from a settlement, so, whilst there is an existing dwelling on the site, the policy could apply in principle. Both limbs of the policy need to be successfully addressed for the policy to be met, however the Design and Access Statement only seeks to address limb 1, i.e. the 'truly exceptional design' element, concluding as follows:

'The proposed dwelling certainly gives an opportunity to demonstrate how it is possible to build house for sustainable living without draining the dwindling traditional resources required for conventional building. It also delivers an exceptional dwelling in sustainability and affordability.'

Whilst it is accepted that building techniques and building low carbon buildings can be an element of truly outstanding architecture, there is nothing out of the ordinary in the design as proposed – indeed it purports to follow a template laid out by PassivHaus. There is no

indication of how in particular the development of this property would demonstrate to others how it is possible to build a sustainable house.

The decision by the applicant to take this approach to design is commendable but, when assessed alongside what could be described as 'ordinary' architecture, it is not considered to come anywhere close to the standard of 'truly outstanding' design required by paragraph 80.

The second limb of the exception being relied upon is also important and has not been addressed by the application. Whilst the proposals would not result in significant harm to the characteristics of the local area (see 'landscape impact' section below) and could be argued to be sensitive to it, there is no argument put forward that it would 'significantly enhance' the immediate setting and it is not considered that it would do so.

Planning appeal decisions across the country have shown that paragraph 80 (and its predecessors) sets an extremely high bar for 'exceptional' and 'truly outstanding' architecture, and very few examples exist across the country. The current proposals do not come close to the standard of design expected to take advantage of the exception to normal strict policies for new houses in the countryside.

It should be noted that the council is able to demonstrate a five-year housing land supply as identified within the North Lincolnshire Council Five Year Housing Land Supply Statement, August 2023. Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies and the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged.

In these circumstances, paragraph 12 of the NPPF states that where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. In this case therefore, planning permission should be refused unless material considerations indicate that the development plan should not be followed in this case.

Accessibility

The council's adopted strategy for the location of new houses is heavily predicated on locating new houses in sustainable/accessible locations. This is a common thread running through the strategic policies in the Core Strategy (as discussed above) as well as the new local plan. Policy T1 of the local plan provides that development will be permitted where there is good foot, cycle and public transport provision or where there are opportunities for foot, cycle and public transport to be provided. Core Strategy policy CS25 seeks to support and promote sustainable transport that offers a choice of transport modes and reduces the need to travel, including by managing transport demand through reducing the need to travel, improving accessibility and reducing car-based travel.

Coleby is defined as a 'countryside' settlement in the North Lincolnshire Settlement Survey 2018 (2019 Revision) which states that:

'Development away from the defined settlements is unlikely to meet all the elements of sustainable development particularly the access to a range of services, except those normally acceptable in the countryside.'

The site is outside the settlement boundary where new housing development is strictly controlled. Coleby itself ranks 72nd (out of 86) overall in the list of settlements as set out in

the 2019 Settlement Survey, with just one of the seven key facilities measured in the survey. The only service Coleby has is a daily bus with an infrequent service.

The nearest settlements with a reasonable level of services and facilities are Burton upon Stather and Winterton which are approximately 5 and 4 kilometres from the site respectively. The journey beyond normal walking distances for pedestrians and the country roads would not be an attractive proposition for most cyclists.

From the above it is clear that the occupiers of the proposed dwelling would be likely to use the private car for the majority of journeys. This locational disadvantage is at odds with the low-carbon ethos of the scheme and weighs against the proposals, contrary to the development plan strategy for new housing development, and policies T1 of the local plan and CS25 of the Core Strategy which seeks to actively reduce the need for car-based travel.

Landscape impact/design

Saved local plan policy RD2 sets out that new development in the countryside should not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design or materials. Policies H5 and DS1 include similar criteria whilst policy H8 requires, amongst other things, a high standard of layout which maintains and where possible improves and enhances the character of the area. Policy LC7 requires special attention to 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.

Core Strategy Policy CS2 requires a high standard of design. Development should contribute towards the creation of locally distinctive, sustainable, inclusive, healthy and vibrant communities. Policy CS5 requires good design which is appropriate to its context. Proposals should consider the relationship between any buildings and the spaces around them, and how they interact with each other as well as the surrounding area. Policies CS7 and CS8 reflect this need for good design, in keeping with the character of the area, and protecting the rural landscape.

All this is reflected in the NPPF which seeks high quality design (section 12), recognising the intrinsic character and beauty of the countryside (paragraph 174b).

There would be limited views of the proposed dwelling from public vantage points. Whilst there would be an increase in built form and additional residential paraphernalia arising from an additional dwelling on the site, it is not considered this would result in any significant harm given the context of the site adjacent to mature woodland.

The proposed elevations show a low-key single-storey building with a T-form plan. Glazing on the front and rear gable elevations gives a pleasing ecclesiastical nod to the name of the site. The timber cladding for the walls and concrete tiles would appear acceptable for the rural location although, as set out above, the use of concrete tiles does seem to be at odds with the purported low-carbon nature of the proposals.

Overall, the design is considered to be acceptable, although far from the truly outstanding design required by NPPF paragraph 80, and there would be no significant harmful impact to the landscape.

Highway safety

Local plan policy T2 requires all development to be provided with a satisfactory access. The NPPF, at paragraph 110(b), requires safe and suitable access to the site to be achieved for all users. Paragraph 111 advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts would be severe.

The proposed dwelling would use the existing access which has served the wider site for many years, including when part of the site was used as a small builder's yard. The layout provides for parking and turning space; this would allow vehicles to leave the site and enter the highway in forward gear.

The Highways Officer has been consulted and raises no objection subject to the parking/turning areas being provided and maintained for the lifetime of the development. Overall it is not considered that the additional traffic arising from the provision of a single additional dwelling would result in any significant highway dangers/hazards.

In light of the above there is no objection on transport/highway safety grounds.

Other matters

In terms of residential amenity, the only dwelling that could be affected would be Chapel House itself, and given the siting and single-storey nature of the proposed dwelling, there would be no undue impacts on the amenities of the occupiers of the existing dwelling. There would be sufficient space for adequate levels of private space for occupiers of the new dwelling.

The site is within flood zone 1, the area at least risk of flooding. The LLFA were initially concerned about the presence of ponds on the site; however, following clarification of the ornamental nature and design of the ponds, the LLFA raise no objections to the application.

Given the historic uses on the site, the Environmental Protection Officer (EPO) initially raised some concern about potential contamination. Following submission of a Geo-environmental Risk Assessment which identifies the risk to human health as low, the EPO is satisfied that no further investigation or remediation is considered necessary and raises no objection subject to a precautionary condition to deal with any contamination found during development.

Conclusions and planning balance

As set out above, s38(6) of the 2004 Act requires applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case there is a clear conflict with the development plan as the site is outside of any recognised development boundary. This conflict must be given substantial weight in the overall planning balance.

Furthermore, because of the site's unsustainable location, occupiers of the proposed development would be heavily reliant on the private car to access facilities and services to meet their daily needs.

As the council is currently able to demonstrate a five-year supply of housing sites, the presumption is that planning permission should be refused unless there are material considerations which indicate that the council's policies should not be followed in this case.

The benefits arising from the proposal are clear, albeit very limited. The dwelling would contribute, in a very small way, to the council's land supply total. Limited economic benefits would arise from the construction phase (given the scale of development proposed it is likely local tradespeople would be used), and from the economic activity of future residents, who would be likely to support local businesses and facilities. Economic benefits would also arise from taxation.

Whilst the site lies within the open countryside, given its size and context, there would be no significant harm to the landscape character. The design is acceptable and, although contradictory in parts, the low carbon nature of the proposed build is positive (albeit tempered by the unsustainable location of the site). Whilst the application is promoted as 'truly outstanding' design under the exception at paragraph 80 of the NPPF, this is a high bar, and whilst the sustainability credentials are noted, the design does not come close to achieving the required standard.

There would be no undue impact on future or existing residents and there are no objections in respect of technical matters, including contaminated land, highway safety and drainage.

Overall, the proposal conflicts with the council's strategic policies for the spatial distribution of new housing in the area, and this strategy is consistent with the aims of the NPPF to deliver a sufficient supply of homes in suitable locations. Therefore, because of the open countryside location of the site, in an area where future occupiers would be reliant on the private car, the proposals would not be sustainable development in the context of the NPPF and would give rise to adverse impacts which significantly and demonstrably outweigh the very limited benefits outlined above.

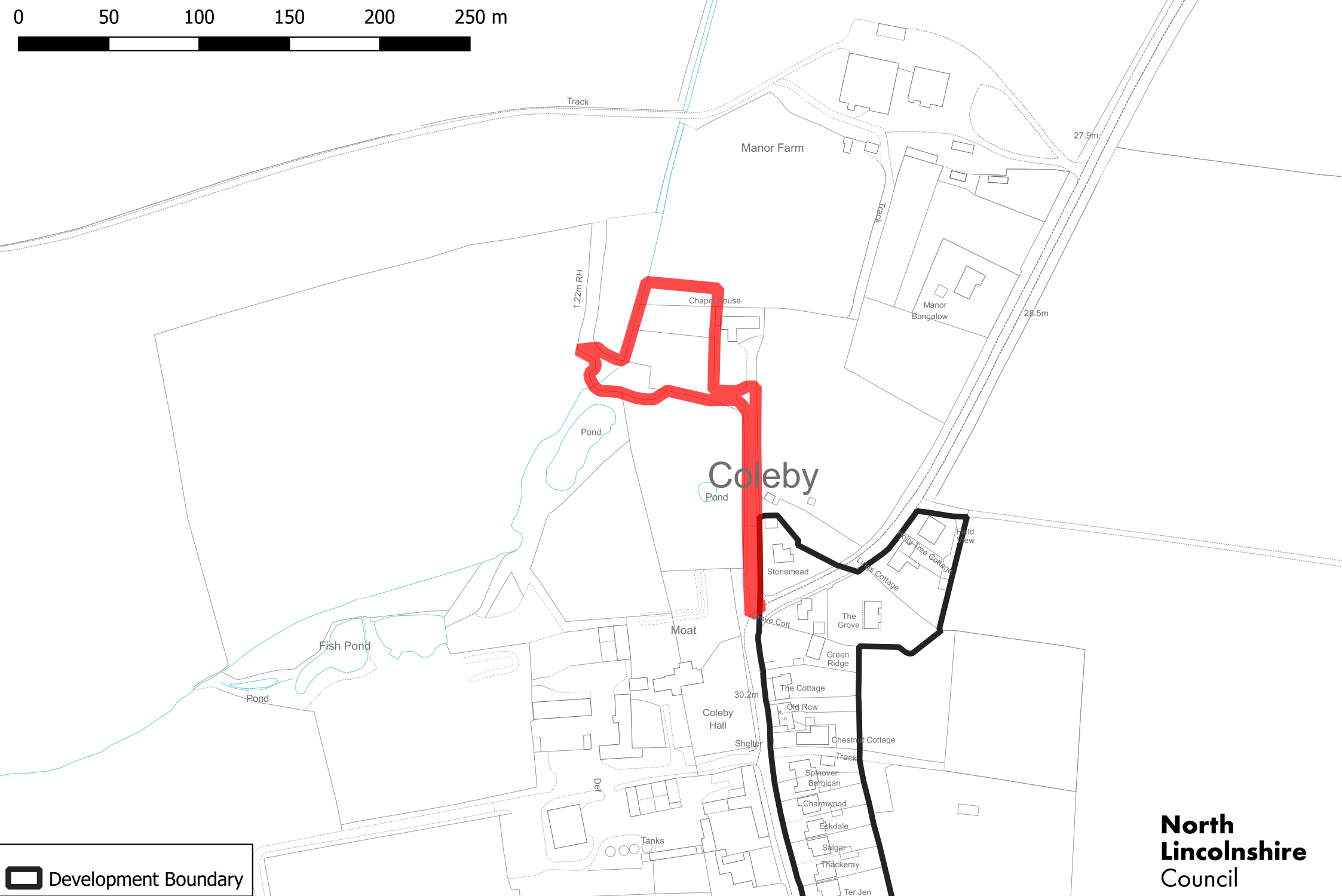
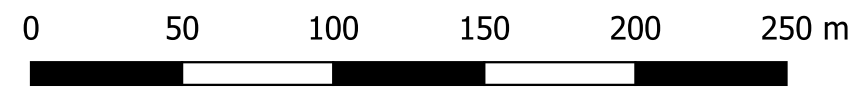
For these reasons it is recommended that the application is refused.

RECOMMENDATION Refuse permission for the following reasons:

The site lies in an open countryside location where new housing development is strictly limited and there are no other specific exceptions/circumstances defined in the Development Plan which indicate that permission should be granted. The proposed dwelling would be sited in an unsustainable location that is remote from services and facilities. This would lead to an increased reliance on the private car. The proposal does not therefore meet the strategy for the distribution of new housing in North Lincolnshire and would not represent sustainable development contrary to saved policies RD2 and T1 of the North Lincolnshire Local Plan and policies CS1, CS2, CS3, CS8 and CS25 of the North Lincolnshire Core Strategy.

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.



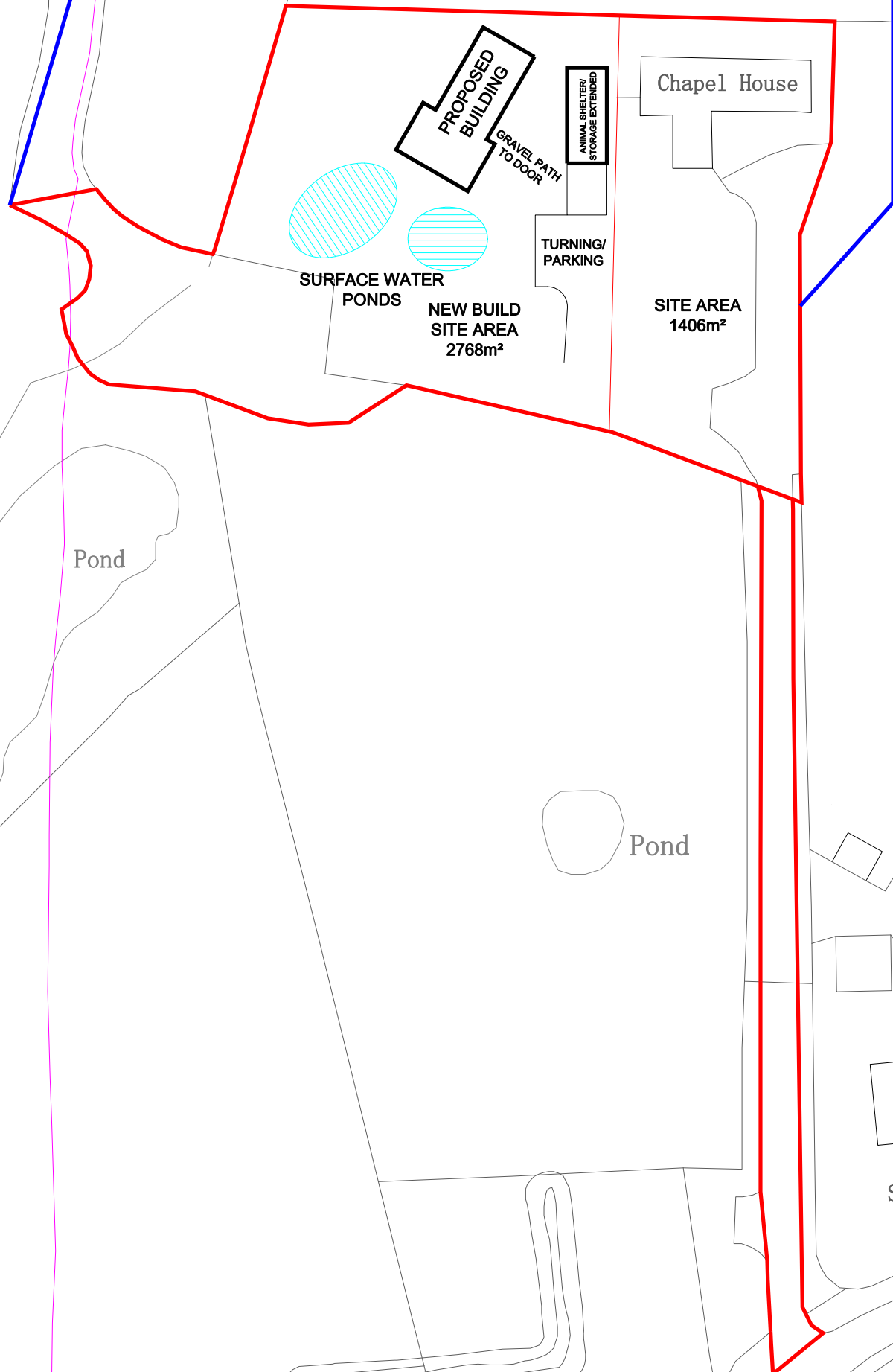
 Development Boundary

PA/2022/2210

**North
Lincolnshire
Council**



1.22m RH



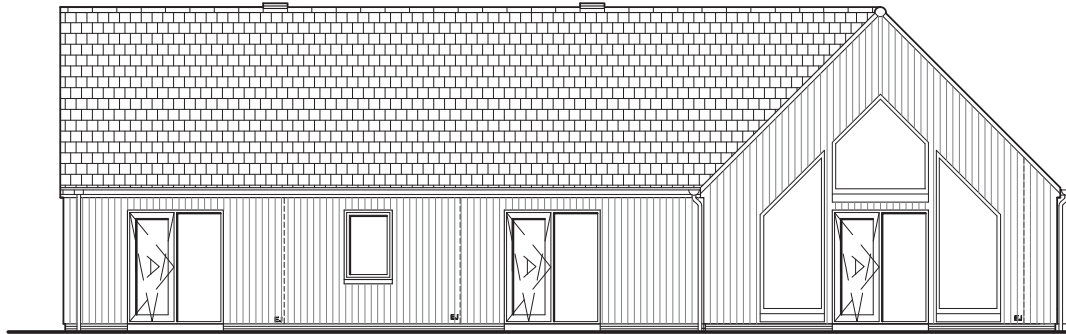
Pond

Pond

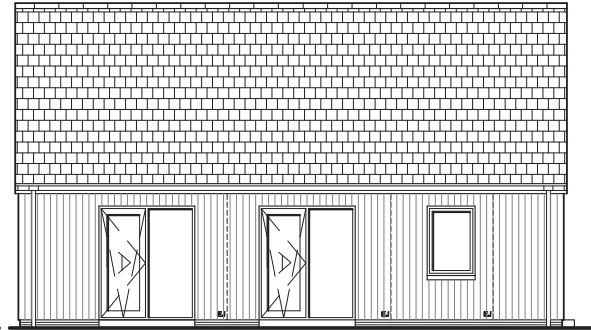
Stonemead

Grove Cott

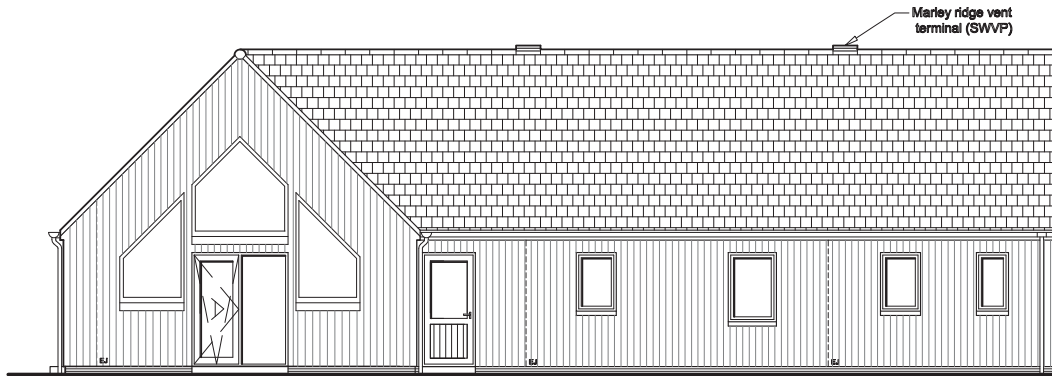
PA/2022/2210 Proposed elevations (not to scale)



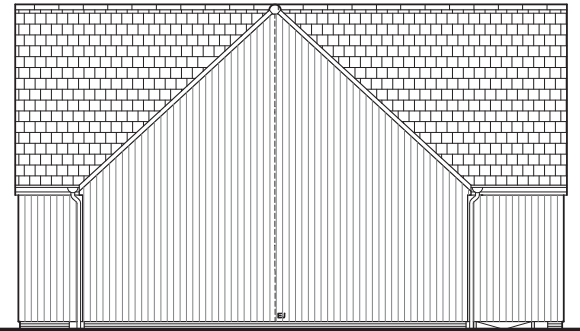
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION




NORTH ELEVATION

External Finishes:

Roof covering: 45/43° Marley Ludlow smooth grey concrete interlocking tiles with matching dry ridge and verge.
 Finish to walls: 120mm wide Siberial Larch vertical boards.
 Fascia and Soffit: Grey PVCu finish with over fascia vent.
 Rainwater Goods: Grey Marley Rectilinear or similar.
 Windows: Grey PVCu & factory double glazing.
 Entrance Doors: Grey PVCu & factory double glazing.
 S.W.V.P. to be taken to Marley ridge terminal.

Elevations

	Customer:	Location:	Drawn By: ???	Scale: 1:100	Drawing No: N08/-/03	Norscot Joinery Limited Bower Workshops, Caithness, KW1 4TL Telephone: 01955 641303 Fax: 01955 641207 Web site: www.norscot.co.uk E-mail: info@norscot.co.uk
	Client Name	Client Address	Checked By:	Date: Date	Revision	
			Customer Approval:			

PA/2022/2210 Proposed floor plan (not to scale)

General Notes:

Entrance doors to have a clear opening of 800mm and threshold to permit unassisted wheelchair access in accordance with clause 4.1.9 of the Building (Scotland) Regulations 2007.

Internal doors to be as per schedule.

All obscure glazing to bathrooms, en-suites to be 'Minster' pattern.

Partition around bathrooms to be filled with 60mm insulation, as denoted by hatching.

Door to Sun room to have a threshold to permit unassisted wheelchair access in accordance with clause 4.1.9 of the Building (Scotland) Regulations 2004.

Disabled access ramp to be constructed from precast, concrete, paving slabs.

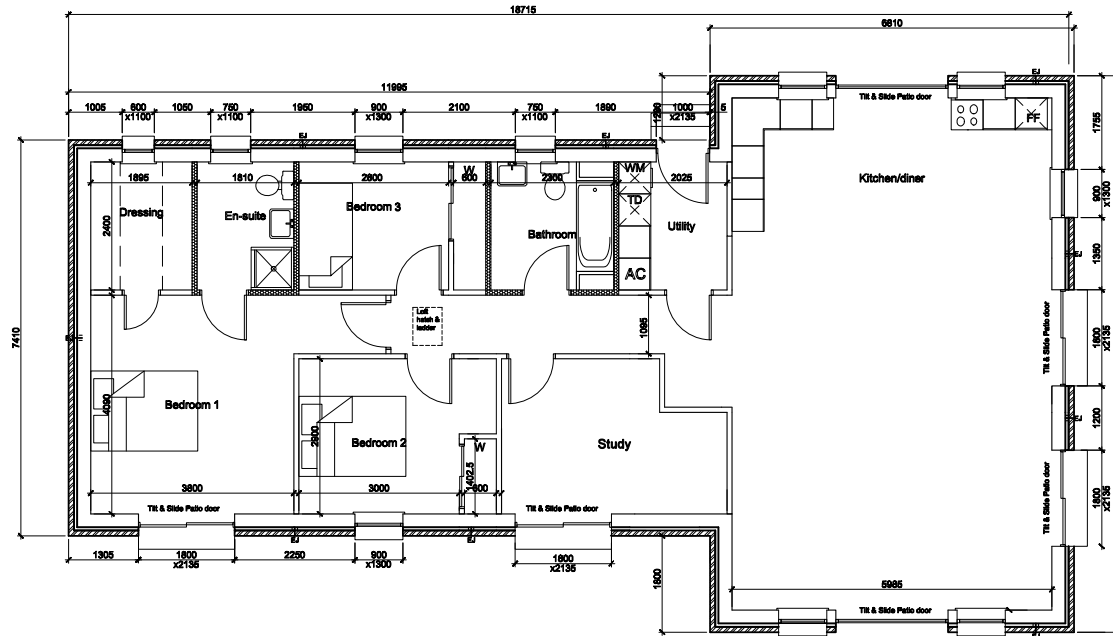
Partition around bathrooms to be filled with 60mm insulation, as denoted by hatching.

All glazing to bathrooms, en-suites and external doors to be 'Minster' pattern obscure glazing, unless otherwise stated.

Thermostatic valves to be fitted to hot water supply.

External flue terminals to be a minimum distance of 600mm from any opening (including tumble dryer outlet) and 300mm from any corner.

FS - Denotes 38x50mm treated fire stop.
EJ - Denotes expansion joint.



Ground Floor Plan



Customer:
Client Name

Location:
Client Address

Drawn By: ???

Scale: 1:100

Drawing No: N08/-/03

Checked By:

Date: Date

Revision

Customer Approval:

Norscot Joinery Limited
Bower Workshops, Caithness, KW1 4TL
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Fax: 01955 641207
Web site: www.norscot.co.uk
E-mail: info@norscot.co.uk