

**APPLICATION NO** PA/2023/1051

**APPLICANT** D Bellamy

**DEVELOPMENT** Planning permission for change of use from agricultural building to self-contained dwelling, including demolition of existing storage building

**LOCATION** Swinster Lane, East Halton, DN40 4NR

**PARISH** EAST HALTON

**WARD** Ferry

**CASE OFFICER** Deborah Oikeh

**SUMMARY RECOMMENDATION** **Approve with conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Departure from the development plan

## **POLICIES**

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

- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places

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

- DS1 General requirements
- DS7 Contaminated land
- DS14 Foul sewage and surface water drainage
- DS16 Flood risk
- RD2 Development in the open countryside
- RD9 Re-use and or adaptation of rural buildings for residential use in the open countryside
- H5 New housing development
- H8 Housing design and housing mix
- T2 Access to development
- T19 Car parking provision and standards
- LC7 Landscape protection

LC12 Protection of trees, woodland and hedgerows

## **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

CS8 Spatial distribution of housing sites

CS16 North Lincolnshire's landscape, greenspace and waterscape

CS17 Biodiversity

CS19 Flood risk

## **Housing and Employment Land Allocations Development Plan Document:**

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 early 2024.

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:

RD1 Supporting sustainable development in the countryside

SS1 Presumption in favour of sustainable development

SS3 Development principles

SS6 Spatial distribution of housing sites

SS11 Development limits

DQE1 Protection of landscape, townscape and views

DM1 General requirements

## **CONSULTATIONS**

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

**LLFA Drainage:** No objections subject to conditions.

**Environmental Protection:** No objections but recommend conditions including a pre-commencement condition which has been agreed by the applicant.

**Ecology:** Recommends the installation of bat boxes and a sparrow terrace.

## **PARISH COUNCIL**

Requests that the views of the immediate residents and any comments regarding traffic and drainage are carefully considered.

## **PUBLICITY**

A site notice has been displayed – no comments have been received.

## **ASSESSMENT**

**Planning history:** None.

### **Site characteristics and proposal**

The application site comprises farm buildings along Swinster Lane in East Halton. The site is bordered by residential dwellings to the east, west and south. To the north of the application site are other unused or vacant farm buildings under separate ownership. The site is outside the development boundary for East Halton and is set within flood zone 1.

The property consists of two structures, the main one being a two-storey, steel-framed building, with blockwork external walls, a cement fibre sheeted roof and a dry concrete floor. The other building was a cattle shed and is constructed in timber with steel sheeting to the walls and roof. Both structures are currently used as workshop/storage space.

This proposal seeks planning permission to convert the two-storey building into a self-contained dwelling and to demolish the cattle barn next to it to provide garden space for the proposed dwelling. The level of work required for the conversion is considered minimal. Improvements to the appearance of the building include the addition of windows and the insulation of external walls for thermal efficiency. All other sections of the building, including the roof and walls, would remain.

### **Main considerations**

- **Principle of development**
- **Impact upon amenity and the character of the area**
- **Flood risk and drainage**
- **Ecology**
- **Land contamination**
- **Impact upon highway safety.**

## **Principle of development**

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.

The North Lincolnshire development plan consists of the saved policies of the North Lincolnshire Local Plan (NLLP), the North Lincolnshire Core Strategy (NLCS) and the Housing and Employment Land Allocations DPD. Other material considerations include the National Planning Policy Framework (NPPF), the emerging North Lincolnshire Local Plan and a suite of supplementary planning documents.

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, adopted 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.

The application site is outside the development limit for East Halton as defined in the Housing and Employment Land Allocations DPD. For policy purposes this would constitute development within the countryside and therefore policy RD2 of North Lincolnshire Local Plan needs to be considered. Policy RD2 looks to control development in the open countryside, with development granted for applications essential to agriculture or forestry, the re-use or adaptation of existing rural buildings, or the replacement, alteration or extension of an existing dwelling, amongst others. Policy RD9 primarily focusses on and supports proposals for the re-use or adaptation of rural buildings for residential use subject to meeting criteria (i) to (v).

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. Policy CS2 aims to focus development on: previously developed land and buildings within Scunthorpe and the market towns, followed by suitable infill opportunities, and lastly, greenfield extensions. Any development that takes place outside defined development limits of settlements will be restricted, with only development essential to the functioning of the countryside allowed, and a sequential approach will be applied to ensure that development is directed to those areas that have the lowest probability of flooding.

Policy CS3 largely mirrors the approach set out in policy CS2, restricting new development outside development limits to that which is essential to the functioning of the countryside, including uses such as agriculture, forestry and sustainable tourism development.

Policy CS8 sets out the spatial distribution of housing sites and confirms that the rural settlements will create opportunities for small-scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel.

Policy H5 of the local plan looks at proposals for new housing development and requires development to be in keeping with the character and amenity of the immediate environment and with the settlement as a whole. New development must have an adequate and appropriately designed access, and provide adequate parking within the curtilage of the site. Policy H5 also requires that new residential development does not result in overlooking or loss to privacy to existing developments or any other loss of amenity to existing dwellings.

The proposal is not in overall accordance with the development plan as it departs from Core Strategy policies CS2 and CS3, both of which have largely replaced policy RD2. However, the proposed use of the building does align with saved policy RD2 (iv) in that it seeks to re-use an existing building for residential purpose. Policy RD9 deals with this more explicitly and states that buildings for residential conversion must meet the following criteria:

- be of architectural or historic importance to the rural scene and be capable of conversion without major alteration
- residential re-use or adaptation is the only way to retain the building in viable continued use and/or secure the improvement of the building
- the development will not create the need for new buildings to house activities displaced by the conversion
- the general design of the conversion retains and respects the original character of the building and is in keeping with its surroundings; any extension should respect the scale and appearance of the original building
- the development will not lead to loss of habitat for protected species.

Whilst these two buildings are of no architectural or historic importance, they are capable of conversion without major alteration. The buildings are set within residential dwellings but are currently used as workshop/storage space. It is hoped that residential conversion would bring the site to viable use and enhance the residential setting in which it is situated. The improvements to the main building would be minimal, with no extension of the structure. The proposed improvements relate to the aesthetics and energy efficiency of the building and would therefore retain its character. There is no known record of any protected species. The council's ecologist, following consultation, has raised no concerns regarding habitat protection. According to the applicant, the buildings are underused, mainly as storage. Therefore, there will be no need to create a new structure for storage.

Notably, the site is situated along Swinster Lane, off Townside, where there are established dwellings. East Halton has 5 out of 7 key facilities such as:

- a village hall (345 metres)
- the Black Bull public house (460 metres)
- a convenience shop (510 metres)
- a bus stop (460 metres).

The site is accessible to Scunthorpe and other locations by road and is therefore a sustainable location. Being a sustainable location, developments have recently been approved in the area (PA/2023/1494 and PA/2022/1498).

The proposal will incorporate a cleaner energy source for an electric car charging unit, an air source heat pump and renewable energy provision (solar panels), which highlights the government's ambition to encourage renewable, low carbon energy and environmental gain. The up-to-date building regulations would require sustainable building methods to be employed which would be translated through the development. The existing trees to the eastern boundary will be maintained to enhance biodiversity.

The proposal, whilst outside the defined settlement boundary, is akin to an infill development in this part of East Halton, in a sustainable location within walking and cycling distance of local facilities, and with access to sustainable modes of travel. The proposal is also capable of benefiting from permitted development under class Q; however, this application process has enabled the local planning authority to negotiate the improvement of the scheme. Indeed, the proposed development would be considered a betterment in visual amenity terms and would have a positive impact on the character and appearance of the area, and bring existing land back into effective use, thus supporting the government's ambition (section 11 of the NPPF).

The Government released an updated NPPF in December 2023. Paragraph 226 makes clear that for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing against the housing requirement (rather than five years). This includes authorities like North Lincolnshire, which have an emerging local plan that has been submitted for examination. These arrangements apply for a period of two years from the publication date of the revised NPPF. 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.

### **Impact upon amenity**

Policy DS1 aims to ensure that development does not unduly impact neighbouring amenity in terms of noise, smell, fumes, dust or other nuisance.

Policy H5 also seeks to require that proposals do not result in adverse impacts upon neighbouring amenity.

The proposal will provide one residential dwelling along Swinster Lane. The existing building is a double-storey structure and the proposed conversion would maintain the existing floor pattern and layout.

Immediately to the east of the application site is an undeveloped piece of land, hence direct amenity impact upon residents further down Swinster Lane is limited. The nearest dwelling to the application site is 'Pipers', a bungalow with an outbuilding/garage to the side; however, there is a considerable separation distance between the sites. Other sites will benefit from greater separation distance. The proposal is not considered to have an overbearing impact on the Pipers given the separation distance. The proposed dwelling would have one west-facing first-floor window serving the landing area which will be obscured. This window will overlook the outbuildings and parking area of Pipers. Given that both the landing area and outbuildings of Pipers are not habitable space, the impact from overlooking will not be very significant.

The existing storage building area to the east would form the garden area following its demolition. The existing trees to the eastern part will be retained and a rail fence installed to screen the garden area.

### **Impact upon the character of the area**

Policy CS5 states that new developments should be well designed and appropriate for their context, and contribute to creating a sense of place, any proposed development needing to respect the character and appearance of the local area. Policy RD2 also seeks to protect the

character and appearance of the countryside. Policy RD9 is more relevant to this application in that it provides criteria against which this nature of application must be assessed.

The criteria listed in policy RD9 have been addressed under the principle section, criteria (i) and (iv) being the most relevant. Both relate to the architectural importance and design of the building, and require it to be capable of conversion without major alteration, and that the general design should respect the original character and be in keeping with its surroundings. It is worth noting that the building to be converted is of no architectural importance but can be adapted into a dwelling in a way that complements the residential setting of the area.

In terms of design, the existing building is made up of blockwork external walls with a steel-framed structure. Following conversion, the finish to the external façade of the dwelling will be acrylic render with dark grey stained, vertically-boarded timber panels to emphasise the window areas. Along Swinster Lane is a mix of property styles ranging from bungalows to two-storey, rendered and brick-built dwellings. The adjacent dwelling (Pipers) is rendered in cream with brown quoins or details. The improvement to the design will have a positive effect on the building and the wider area. It is therefore considered that the design of the proposed dwelling would not be at odds with the character of the area. Additionally, the conversion of the building does not require extension or any increase in size; hence, the scale will remain unchanged. Given the assessment under this section, it is considered that the design of the proposed conversion will not conflict with policies RD2 and RD9.

## **Ecology**

Policy CS17 of the North Lincolnshire Core Strategy is concerned with biodiversity and seeks to achieve a net gain whilst also protecting existing wildlife habitat networks. The council's ecologist has advised that no protected species surveys are required and has recommended the installation of bat boxes and sparrow terraces for biodiversity enhancement; this will be conditioned and attached to any permission granted.

## **Flood risk and drainage**

Policy CS19 of the Core Strategy is concerned with flood risk, whilst DS14 and DS16 of the local plan are concerned with flood risk, drainage and foul water. Policy CS19 in particular states, 'The council will support development proposals that avoid areas of current or future flood risk, and which do not increase the risk of flooding elsewhere.'

The application site is set within flood zone 1 and is a suitable location for development in flood-risk terms. The proposal is classed as a more sensitive end use, being for residential development; therefore, an informative comment has been provided by the LLFA Drainage team to encourage the applicant to consider upsizing the pipe network.

## **Land contamination**

Policy DS7 of the local plan relates to contaminated land. The site is a sensitive end use and has potential to contain contamination due to the previous use of the site as an agricultural field. The Environmental Protection team have recommended a pre-commencement condition requiring a full contaminated land assessment. Given the location of the proposal, and the high risk of contamination from the previous use, the recommended condition is considered reasonable. The applicant has agreed to the recommended pre-commencement condition, which will be applied to any permission the local planning authority is minded to grant.

## **Highway safety**

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

The existing access to the site would be retained for entering and exiting the site. An area to the side of the building (west) will be used for parking with an electric car charging point installed. The highways department has been consulted and recommends conditions to ensure that access and parking arrangements are provided on site prior to the occupation of the dwelling. The condition will be applied to any permission granted. Therefore, the proposal is not considered to conflict with the requirements of policies T2 and T19.

## **Other matters**

The parish council has asked that the views of immediate residents, and any traffic and drainage concerns, are considered in assessing this application. The drainage and highways departments have been consulted in the process and no objections have been raised. It is worth mentioning that a number of residents have written and signed the planning statement submitted by the applicant supporting the proposal. Although, this is not the key consideration in deciding this application, it does suggest neighbours have no concerns about the proposal.

## **Conclusion**

This proposal seeks planning permission to convert an existing two-storey farm building into a self-contained dwelling and to demolish the cattle barn next to it to provide garden space for the proposed dwelling. The application site is outside the development boundary of East Halton and the proposal also conflicts with criterion (i) of policy RD9 in that the building is not of any architectural importance, albeit the site is in a sustainable location with 5 out of 7 key facilities in the settlement. The level of work required for the conversion is considered minimal and will bring into effective use an underutilised infill plot in a sustainable location. The proposal does present some environmental and social benefits for the area. It will incorporate a cleaner energy source for an electric car charging unit, an air source heat pump and renewable energy provision (solar panels), which highlights the government's ambition to encourage renewable, low carbon energy and environmental gain. The proposal as it was is likely to benefit from permitted development under class Q; however, with this application a better scheme, including opportunities to mitigate land contamination and improve biodiversity, can be achieved. The proposal is therefore recommended for approval.

## **Pre-commencement condition**

This has been agreed with the applicant.

## **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 plan DRWG/PA/2023/1051/01
- Proposed site layout dwg 010423-04
- Proposed block plan and boundary elevation dwg 010423-05
- Proposed floor and elevation plans dwg 010423-02A.

Reason

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

3.

The dwelling shall not be occupied until the vehicular access to it and the vehicle parking and turning space(s) serving it have been completed and, once provided, the vehicle parking and turning space(s) shall be retained.

Reason

In the interests of highway safety and to comply with policies T2 and T19 of the North Lincolnshire Local Plan.

4.

Unless otherwise agreed by the local planning authority, development other than that required to be carried out as part of an approved scheme of remediation must not commence until parts 1 to 4 below have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by the unexpected contamination to the extent specified by the Local Planning authority in writing until part 4 has been complied with in relation to that contamination.

Part 1: Site Characteristics

A Phase 1 desk study shall be carried out to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the site. The desk study shall establish a 'conceptual model' of the site and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/Quantitative Risk Assessment (or state if none required). Two full copies of the desk study and a non-technical summary shall be submitted to the local planning authority for approval prior to proceeding to further site investigation.

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the local planning authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the local planning authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - human health;

- property (existing or proposed), including buildings, crops, livestock, pets, woodland, and service lines and pipes;
  - adjoining land;
  - groundwaters and surface waters;
  - ecological systems;
  - archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and a proposal of the preferred option(s).

This must be conducted in accordance with Environment Agency's Land Contamination Risk Management (LCRM) guidance April 2021.

#### Part 2: Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

#### Part 3: Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks' written notification of commencement of the remediation scheme works.

Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the local planning authority.

#### Part 4: Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the local planning authority. An investigation and risk assessment must be undertaken in accordance with the requirements of Part 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of Part 2, which is subject to the approval in writing of the local planning authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the local planning authority in accordance with Part 3.

Reason

To ensure the site is safe for future users and construction workers.

5.

The development hereby approved shall incorporate integral bat bricks and sparrow terraces.

Reason

To conserve and enhance biodiversity in accordance with policies CS5 and CS17 of the North Lincolnshire Core Strategy.

**Informatives**

1.

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.

2.

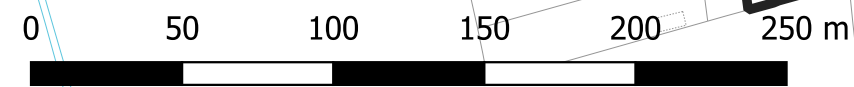
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway.

Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

3.

As the proposed development is classed as a more sensitive end use we suggest you consider investigating the existing surface water drainage arrangements/layout for the development; further consideration may need to be given to upsizing the pipe network and increasing storage around your development to cater for more intense storm conditions. Although this is not a requirement in terms of surface water flood risk compliance, it would be good practice on your behalf to ensure an increased level of resilience for the development and its future occupiers.

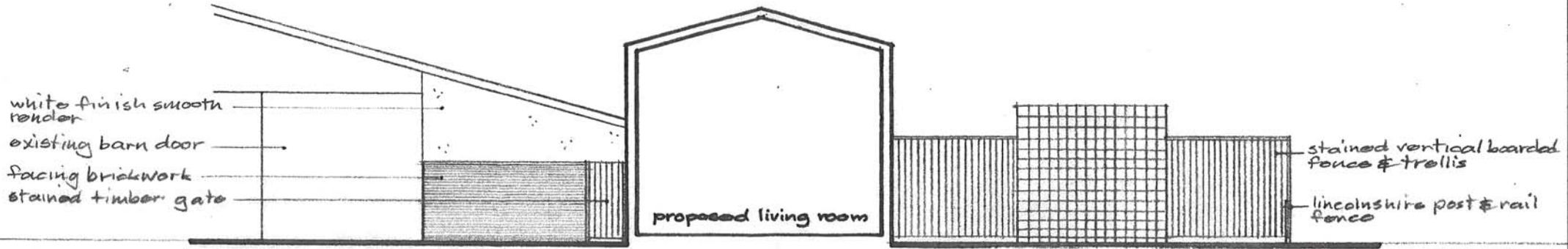


 Development Boundary

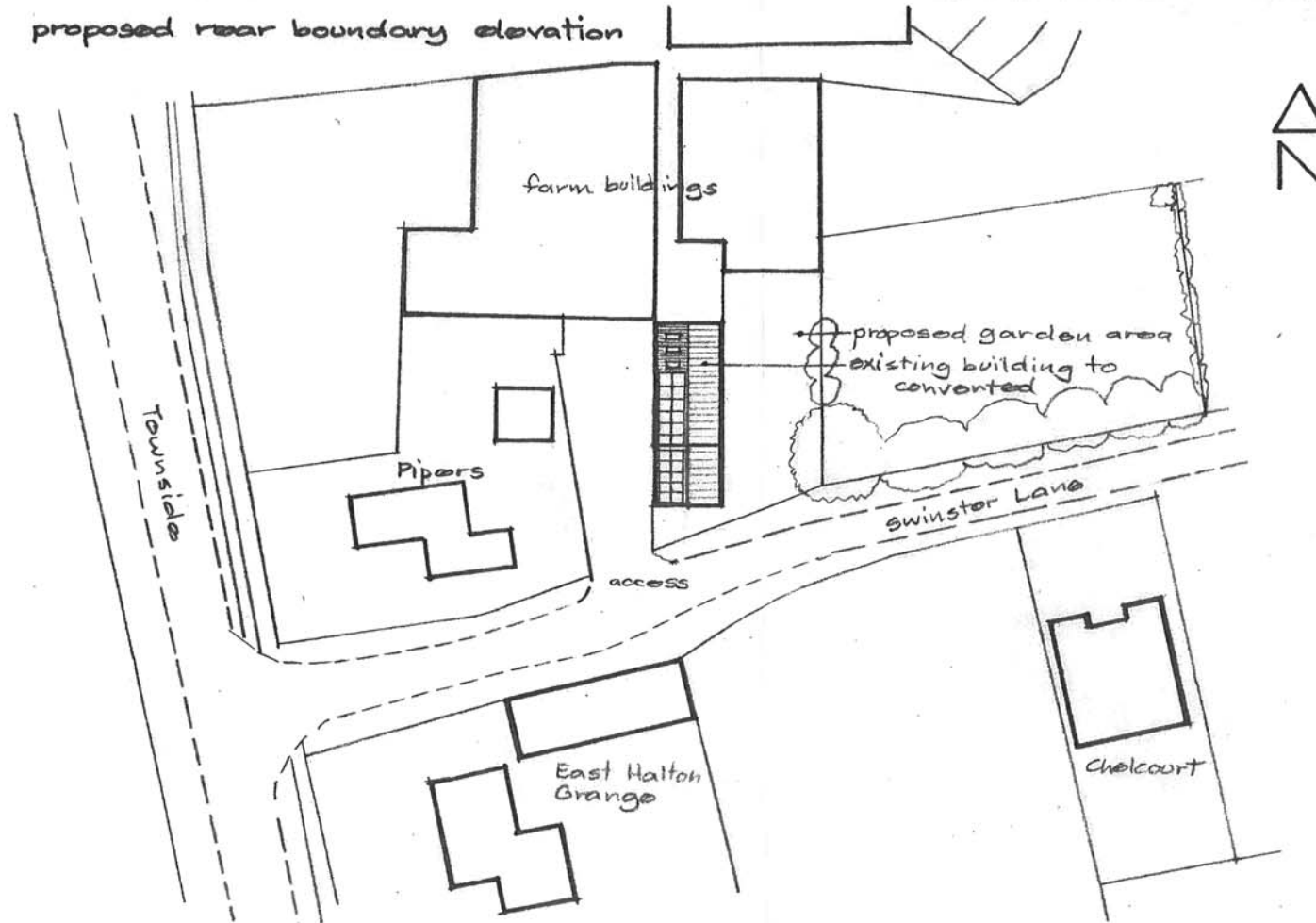
**PA/2023/1051**

**North  
Lincolnshire  
Council**

# PA/2023/1051 Proposed layout (not to scale)



proposed rear boundary elevation



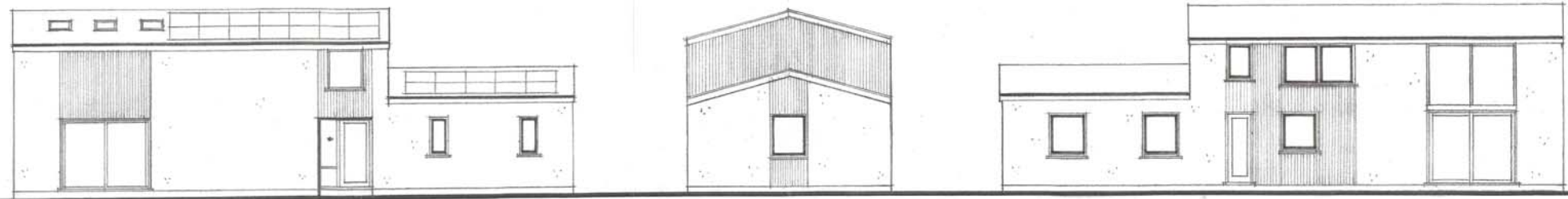
block plan scale 1:500

proposed conversion of former agricultural building into a dwelling, Swinster Lane, East Halton

RECEIVED  
26 APR 2023

dwg 010423-05  
scale 1:100

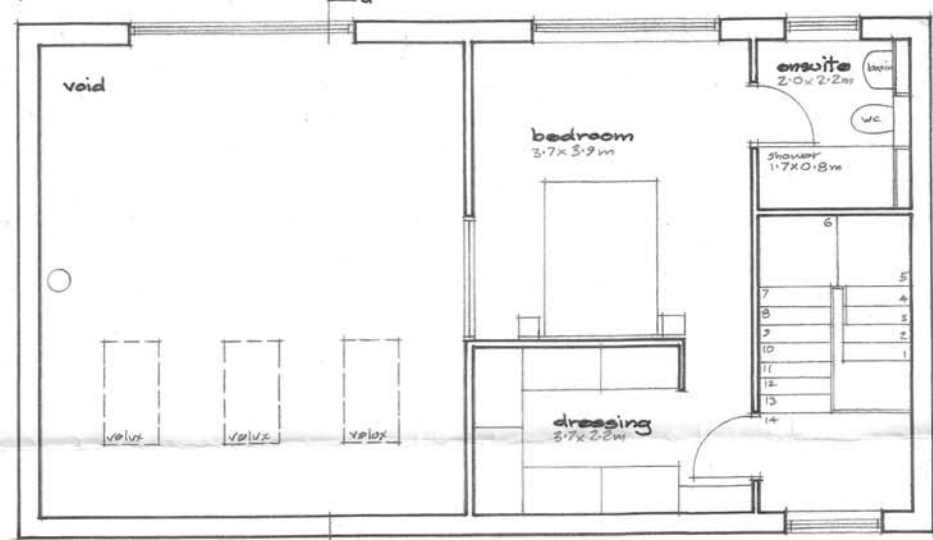
# PA/2023/1051 Proposed elevations and floor plans (not to scale)



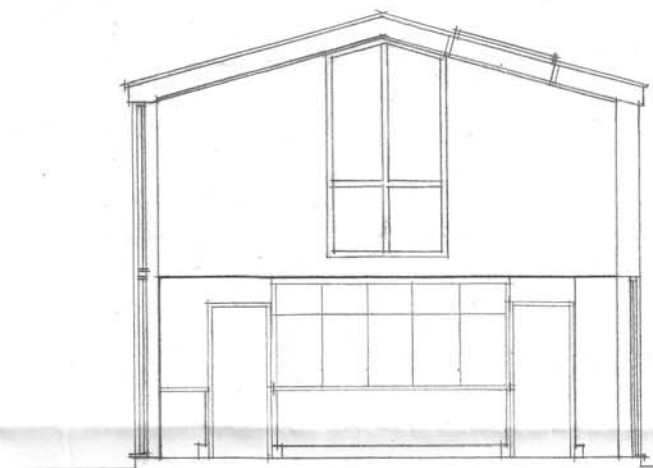
proposed side elevation

proposed front elevation

proposed side elevation



proposed first floor plan



section aa

roof - dark grey low profile insulated composite panels  
 external walls - white finish smooth render & dark grey stained vertical timber panels  
 windows & doors - dark grey powder-coated aluminium



proposed ground floor plan

proposed conversion of former agricultural building into a dwelling, Swinster Lane, East Halton



dwg 010423-02  
 scale 1:50 & 1:100