

APPLICATION NO PA/2023/1862

APPLICANT Mr & Mrs Foster

DEVELOPMENT Planning permission for (retention of) barn conversion

LOCATION The Burrow, Bonnyhale Road, Ealand, Scunthorpe, DN17 4DF

PARISH CROWLE

WARD Axholme North

CASE OFFICER Daniel Puttick

SUMMARY RECOMMENDATION **Approve with conditions**

REASONS FOR REFERENCE TO COMMITTEE Departure from the development plan

POLICIES

National Planning Policy Framework:

- 2 Achieving sustainable development
- 4 Decision-making
- 8 Promoting healthy and safe communities
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well-designed and beautiful places
- 14 Meeting the challenge of climate change

North Lincolnshire Local Plan:

- RD2 Development in the open countryside
- RD9 Re-use and/or adaptation of rural buildings for residential use in the open countryside
- T2 Access to development
- T19 Car parking provision and standards
- DS1 General requirements
- DS7 Contaminated land
- DS14 Foul sewage and surface water drainage

DS16 Flood risk

H5 New housing development

H8 Housing design and housing mix

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

CS6 Historic environment

CS7 Overall housing provision

CS8 Spatial distribution of housing sites

CS19 Flood risk

CS25 Promoting sustainable transport

Housing and Employment Land Allocations DPD:

Settlement boundary for Ealand

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 late 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:

SS1 Presumption in favour of sustainable development

SS2 Spatial strategy for North Lincolnshire

SS3 Development principles

SS5 Overall housing provision

SS6 Spatial distribution of housing sites

SS11 Development limits

DQE1 Protection of landscape, townscape and views

DQE5 Managing flood risk

DQE6 Sustainable drainage systems

T1 Promoting sustainable transport

T3 New development and transport

DM1 General requirements

CONSULTATIONS

Highways: No comments or objections.

LLFA Drainage: No comments or objections.

Environment Agency: A condition is recommended to ensure compliance with flood risk mitigation measures outlined in the submitted flood risk assessment.

Environmental Protection: The department is satisfied that the contaminated land issues raised in relation to PA/2019/422 have been addressed and wish to make no further comment.

PARISH COUNCIL

Ensuring the implementation of adequate sewage and drainage infrastructure, no observations.

PUBLICITY

Advertised by site and press notice. No responses have been received.

PLANNING HISTORY

2/1979/0737: Erection of a new mushroom growth house – approved 08/11/1979

PA/2018/2417: Application for determination of the requirement for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) – refused 31/01/2019

PA/2019/422: Application for determination of the requirement for prior approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) – approved 11/04/2019

PA/2022/1908: Application to discharge conditions attached to prior approval PA/2019/422 (condition 2) – pending

An enforcement notice (ENF236) has been issued in relation to land within the applicant's ownership, concerning alleged unauthorised development comprising a material change of use from agriculture to storage and distribution of goods, and operational development which facilitates the material change of use comprising the erection of an extension to a building and the siting of two storage containers. This notice was issued on 8 February 2024.

ASSESSMENT

Site characteristics

The application site is within the open countryside to the east of Ealand. It is outside of any conservation area and there are no heritage assets nearby that would be affected by the proposal.

The site comprises a former agricultural barn which sits adjacent to an existing farmhouse and converted range of barns. The site has previously been used for agriculture primarily associated with the cultivation of mushrooms, which has since ceased operation.

The site is adjacent to an existing waterway and falls within flood zone 2/3a. A railway line providing passenger services between Doncaster and Scunthorpe lies to the south of Bonnyhale Road and the waterway.

Proposal

Planning permission is sought to retain a barn conversion on Bonnyhale Road to the east of Ealand. Application PA/2019/422 submitted pursuant to Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) ('the GPDO') sought a determination as to whether the prior approval of the local authority was required in respect of a proposed change of use of a barn at the site to a dwellinghouse. That application was approved subject to conditions on 15 April 2019.

Works to facilitate the conversion of the barn have commenced on site. Class Q.2(3) of Part 3 of Schedule 2 of the GPDO states that development under Class Q is permitted subject to the condition that development under Class Q(a), and under Class Q(b), if any, must be completed within a period of three years starting with the prior approval date. The prior approval date for the purpose of this part of the legislation was 15 April 2019, with development required to be completed by 15 April 2022.

The application form indicates that works commenced on site in November 2022. This follows the submission of an application seeking to discharge condition 2 of PA/2019/422, concerning land contamination. The conversion of the former barn at the site has not been completed, and works were requested to be ceased on site. At the time of the officer's site visit, the external shell of the building was largely complete; however, extensive areas of glazing on the north- and east-facing elevations had not been installed and the building was therefore not weathertight. At the time of the visit, works for the fit out of the interior of the building had not commenced. Works progressed on site also differ to those approved as part of application PA/2019/422.

The application proposes to retain the barn conversion in its current form to provide a single dwelling comprising four bedrooms at first-floor level, with open plan kitchen/living/dining area, study, bathroom, annex living accommodation and externally accessible storage at ground-floor level.

The works undertaken on site are unauthorised. This application seeks to regularise the unauthorised development comprising the conversion of the barn, which has not been undertaken in accordance with the details approved as part of application PA/2019/422. It is of note that the work was neither commenced nor completed within three years of the prior approval date of 15 April 2022.

Material considerations

Planning permission is sought for the conversion of the barn to a dwelling with associated access from Bonnyhale Road and garden area to the north.

The main issues in determining this application are:

- **principle of development**
- **design and impact upon the character and appearance of the area**
- **impact on residential amenity**
- **highway safety**
- **flood risk and drainage.**

Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 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 North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The site lies beyond the settlement boundary for Ealand, a settlement where residential development would generally be acceptable in principle. For planning purposes, the site therefore falls within open countryside where policy RD2 of the North Lincolnshire Local Plan seeks to restrict new development. The policy identifies a limited number types of development for which planning permission will be only be granted, none of which include the provision of market housing.

Policy CS1 of the Core Strategy sets out a spatial strategy for North Lincolnshire and focuses on delivering an urban renaissance in Scunthorpe. The policy seeks to focus the majority of housing within Scunthorpe and sustainable settlements. In the countryside, the policy states that support will be given to development that promotes rural economic diversification and small-scale employment opportunities, particularly on previously used land or in existing rural buildings. It states that tourism development will also be supported, in particular the development of green tourism making the most of the area's important natural and built environments.

Policy CS2 of the Core Strategy provides a sequential approach in support of the delivery of the spatial strategy set out in policy CS1. It states that any development that takes place outside the defined development limits of settlements or in rural settlements in the countryside will be restricted, and that only development which is essential to the functioning of the countryside will be allowed to take place. The policy clarifies that this includes 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.

Through policy CS3 of the Core Strategy, the council has identified a number of settlement boundaries throughout North Lincolnshire. The application site lies beyond the settlement boundary for Ealand as defined in the Housing and Employment Land Allocations DPD.

Policy CS8 of the Core Strategy deals with the distribution of housing sites and prioritises development in Scunthorpe and the market towns, with brownfield sites and sites within development boundaries being the primary focus.

Given the site's location within the countryside, the provision of new housing would generally be considered to be unacceptable. Policy RD9 of the local plan supports the conversion of rural buildings in the open countryside for residential use. It states that such developments will only be permitted if:

- (i) the building is of architectural or historic importance to the rural scene and is of substantial and permanent construction capable of conversion without major alteration;
- (ii) it can be demonstrated that residential re-use or adaptation is the only way to retain a building in viable continued use and/or secure the retention/improvement of the building; and
- (iii) the development will not create a need for new buildings to house activities displaced by conversion;
- (iv) 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; and
- (v) the development will not lead to the loss of habitat for protected species.

The former barn was simple in its design, of metal frame construction with metal and asbestos sheeting. The main body of the barn had a pitched roof, with an addition to the west of a Dutch barn style. It is considered that the building in its previous state possessed little architectural or historic interest and was not an important contributor to the rural scene in this location.

The supporting documents indicate that the building consisted of a steel portal frame sat on a raft foundation with asbestos sheeting to the roof and rotten steel sheeting to the external walls, which the statement notes was 'too far gone to be saved'. The statement confirms that the steel frame and floor slab are the elements retained from the building, with new roof sheeting, wall cladding and brickwork installed.

The planning history of the application site is a material consideration. In granting application PA/2019/422 it was considered that the scope of works, which have been largely implemented on site, were reasonably necessary to facilitate the conversion of the building to use as a dwelling. In this context, the works undertaken on site are not considered to amount to major alterations which policy RD9 seeks to exclude.

Paragraph 12 of the NPPF maintains the development plan as the starting point for decision-making. It states that where a planning application conflicts with an up-to-date development plan permission should not normally be granted. It states that local authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 224 of the NPPF states that the policies in the Framework are material considerations which should be taken into account in dealing with applications. Paragraph 84 of the NPPF indicates that planning policies and decisions should avoid the development of isolated homes in the countryside, unless one or more of a limited number of circumstances apply. One of these circumstances is where the development would re-use redundant or disused buildings and enhance its immediate setting.

Paragraph 84 of the NPPF is therefore considered a relevant policy in determining the application and is supportive of development involving the re-use of redundant and disused buildings and which enhances its immediate setting. Despite the small degree of conflict with policy RD9 of the local plan, the site's planning history is a material consideration, which in this instance, in light of the approach contained within the NPPF, is considered sufficient to justify granting planning permission. On balance, the principle of the development is considered to be acceptable as a minor departure from the development plan and would result in a similar development to that approved under application PA/2019/422.

Design and impact on the character and appearance of the area

Policy DS1 of the local plan seeks to ensure that proposals are sympathetic in design, scale and materials to the existing dwelling and its neighbours, and seeks materials and finishes that do not contrast markedly with those of the original building or neighbouring properties.

Policy H5 of the local plan provides a number of spatial and design criteria with which new development will be expected to conform. Amongst those are requirements for development to be in keeping with the character and scale of the settlement, designed to ensure the conservation and retention of features of particular architectural, historic or archaeological interest, or important features which make an important contribution to the character of the site and surrounding area, and where appropriate or necessary provide substantial and suitable landscaping.

Policy H8 of the local plan states that new residential development will be permitted provided that it meets a number of requirements, including that it respects and reflects the form, scale, massing, design and detailing, materials and nature of the local environment.

Policy CS5 of the Core Strategy states that all new development in North Lincolnshire should be well designed and appropriate for their context, and that it should contribute to creating a sense of place. The policy goes on to state that the council will encourage contemporary design, provided that it is appropriate for its location and is informed by its surrounding context. The policy states that 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 NPPF seeks to ensure the creation of high quality, beautiful and sustainable buildings and places, stating that this is fundamental to what the planning and development process should achieve. Paragraph 126 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

The design and appearance of the new dwelling would be similar to the design presented as part of application PA/2019/422, which was considered acceptable and was viewed to maintain the external appearance of the former barn. The proposed development differs slightly in its use of materials and arrangement of openings. The building as constructed

utilises darker metal cladding than the previous application proposed, which better reflects the appearance of the original barn. Works undertaken so far have been done to a high standard, and officers are satisfied that upon completion the development would enhance the immediate setting of the building.

A condition is recommended to remove permitted development rights for any further extensions or outbuildings to ensure that the open character of the site and quality of the development is not diminished through future alterations.

Consistent with the conclusions reached in the determination of application PA/2019/422, the proposed conversion of the building is considered acceptable in terms of its design. Subject to conditions, the proposals would be in accordance with the requirements of policies DS1, H5 and H8 of the North Lincolnshire Local Plan, policy CS5 of the North Lincolnshire Core Strategy and the aims of the NPPF.

Residential amenity

Policy DS1 of the local plan seeks to ensure suitable standards of amenity for existing and future residents and users, and 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.

Paragraph 135 of the NPPF indicates that planning policies and decisions should ensure that, amongst other requirements, developments create places which are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The application site is in a remote area and as such would enjoy open outlook and unrestricted views over countryside to the east. The arrangement of openings, coupled with the position of the building, would ensure that adequate privacy is maintained for occupants of neighbouring dwellings and occupants of the proposed barn conversion.

Whilst properties at the site are relatively close to one another, given their location within the countryside it is considered that suitable standards of living accommodation would be maintained and provided for future occupants.

The building is close to the railway line which provides passenger rail services between Doncaster and Scunthorpe. Services along the line have been reduced, and officers observed passing trains during a site visit. Whilst these observations were a snapshot in time, based on current timetables and the very low passing noise levels at the site, it is considered that noise disturbance would be unlikely to give rise to adverse impacts upon the amenity of future occupants of the dwelling.

The application has been supported by detailed land contamination information which identifies potential risks associated with ground gases and provides mitigation recommendations to be incorporated into the development. As development has progressed on site these measures have been incorporated into the scheme, with the application supported by validation/verification reports confirming ground gas protection systems have been installed.

The council's Environmental Protection team have been consulted on the application and raise no objections to the proposed development. Based on the information provided as part of this application, it is considered that appropriate mitigation has been incorporated into the

development which would protect the amenity and health of occupants of the proposed dwelling.

In light of the above, the proposed development is considered to be acceptable in accordance with policies DS1 and H5 of the North Lincolnshire Local Plan, and the aims of paragraph 135 of the NPPF.

Highway safety

Paragraph 115 of the NPPF makes clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Policy T1 of the local plan is concerned with the location of development and aligns with the spatial strategy of the Core Strategy. Policy T2 of the local plan states that all proposals should be provided with a satisfactory access, whilst policy T19 relates to car parking provision and standards, and in summary requires developments which result in additional parking needs to incorporate proposals to fully meet that demand.

Policy CS25 of the Core Strategy seeks to support and promote a sustainable transport system in North Lincolnshire that offers a choice of transport modes and reduces the need to travel through spatial planning and design and by utilising a range of demand and network management tools.

The application has been assessed by the highway authority, who raise no objections to the proposed development. In the absence of any objection from the highway authority, the proposals are considered acceptable in terms of highway safety and would provide adequate parking and manoeuvring space in accordance with the requirements of policies T2 and T19 of the North Lincolnshire Local Plan, policy CS25 of the North Lincolnshire Core Strategy and the aims of the NPPF.

Flood risk and drainage

Policy CS19 of the Core Strategy, which sits alongside policy DS16 of the local plan, is concerned with flood risk and states that 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.

Policy DS14 of the local plan states that the council will require satisfactory provision to be made for the disposal of surface water from new development, either by agreeing details before planning permission is granted, or by imposing conditions on a planning permission or completing planning agreements to achieve the same outcome.

The application site is within flood zone 2/3(a) and is therefore at a higher level of risk in terms of flooding. The application has been supported by a flood risk assessment, which outlines measures incorporated within the development. These include flood resilient construction techniques, and the restriction on the provision of bedroom accommodation at ground-floor level.

The Environment Agency has been consulted on the application and raises no objections to the proposed development, subject to a condition requiring the measures presented in the flood risk assessment to be incorporated into the development. Similarly, the LLFA/Drainage team raise no objections to the proposal.

Subject to accordance with such a condition, the proposals would be considered acceptable in terms of flood risk, in accordance with policies DS14 and DS16 of the North Lincolnshire Local Plan, policy CS19 of the North Lincolnshire Core Strategy and the aims of the NPPF.

Conclusion

Planning permission is sought to retain a barn conversion undertaken following the approval of application PA/2019/422. As works were not completed within three years in accordance with the requirements of the GPDO, the applicants are seeking planning permission to regularise the breach of planning control.

Whilst there would be a small degree of conflict with the development plan, the planning history for the site provides a significant material consideration which weighs in favour of the development. In this instance the development is similar to the scheme approved as part of application PA/2019/422, with the external finish considered to be an improvement over and above the original design proposed for the site. Overall, the provision of one dwelling would introduce some benefits.

There are no technical objections to the scheme from consultees. Subject to conditions, members are advised to give weight to the planning history for the site as a material consideration and grant planning permission as a minor departure from the development plan.

Planning conditions are recommended to remove permitted development rights for alterations, extensions and outbuildings to preserve the character and appearance of the building and openness of the area, and to ensure compliance with the approved plans and mitigation measures outlined in the flood risk assessment. As the development has already commenced, a condition requiring implementation within three years of the date of the decision is not necessary.

RECOMMENDATION Grant permission subject to the following conditions:

1.

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

- Location & Block Plans PL/23/01 – Amended plan received 25/01/2024
- Proposed Plans & Elevations PL/23/02
- Proposed Elevations PL/23/03.

Reason

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

2.

The development shall be carried out in accordance with the submitted flood risk assessment (FRA) ref: '10595/TW/001/03', prepared by Sanderson Associates, dated February 2019 and the following mitigation measures it details:

- flood resilient construction should be incorporated into the property to a level of 4.4 metres above Ordnance Datum as stated in section 6.2 of the FRA

- flood resilience measures should be implemented as detailed in section 6.3 – 6.9 of the FRA
- no bedrooms should be located at ground floor level as stated in section 6.10 of the FR.

The mitigation measures shall be fully implemented prior to occupation and subsequently remain in place. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason

To reduce the risk of flooding to the proposed development and future occupants, and to reduce the impact of flooding should it occur in accordance with policy CS19 of the North Lincolnshire Core Strategy.

3.

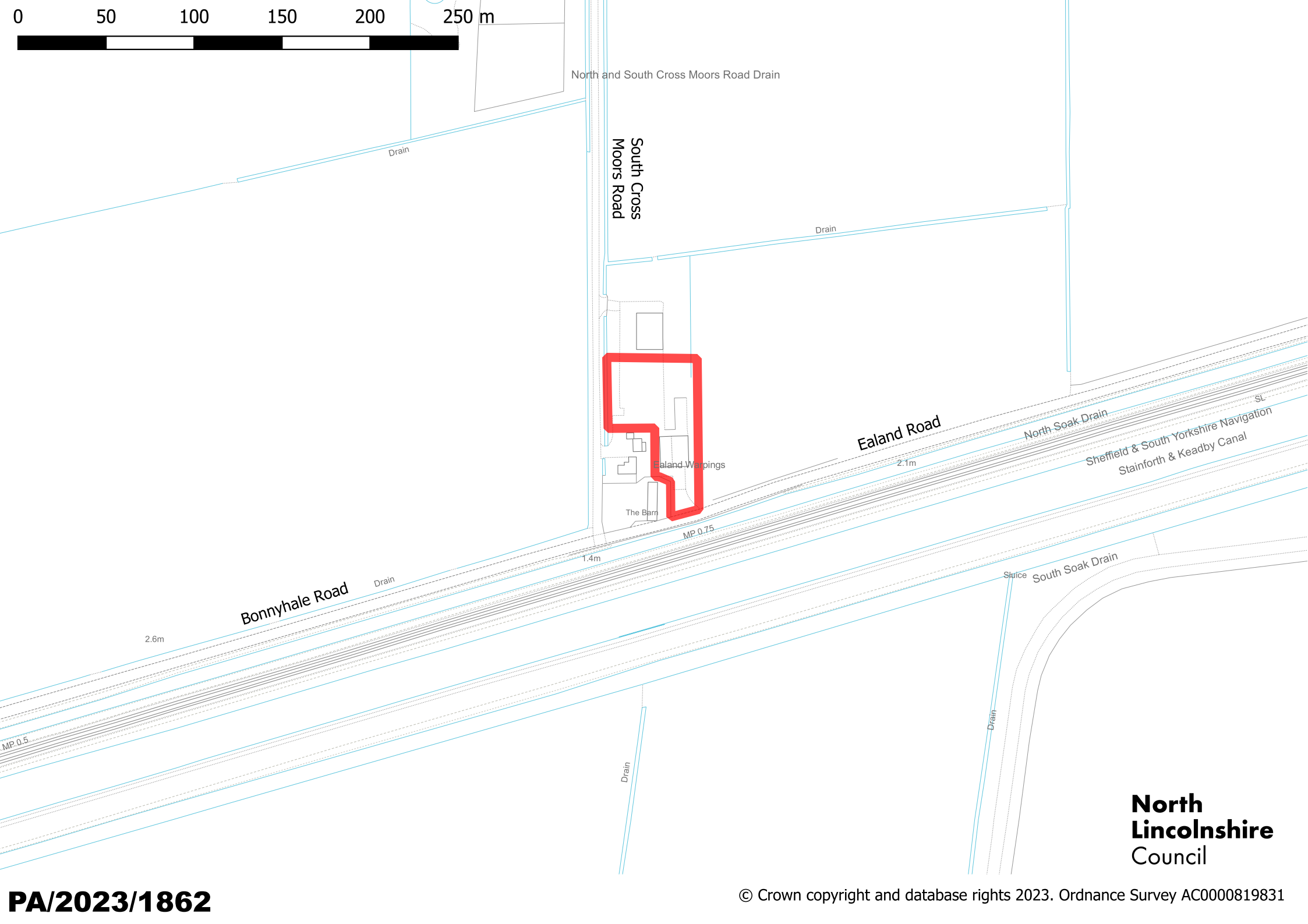
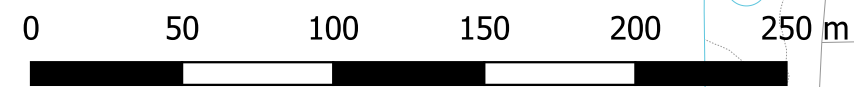
Notwithstanding the provisions of Parts 1 and 2 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), or any other Order revoking or re-enacting that Order, no further extensions, openings, boundary enclosures, outbuildings or other alterations to the dwelling hereby approved shall be undertaken unless planning permission has first been granted by the local planning authority.

Reason

To ensure a high quality design which preserves the character and appearance of the site and surrounding area, in accordance with policy CS5 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.



North and South Cross Moors Road Drain

South Cross Moors Road

Drain

Ealand Road

North Soak Drain

Sheffield & South Yorkshire Navigation
Stainforth & Keadby Canal

Ealand Wappings

The Barn

MP.0.75

1.4m

2.1m

Bonnyhale Road

Drain

2.6m

Sluice

South Soak Drain

Drain

Drain

MP.0.5

**North
Lincolnshire
Council**

PA/2023/1862

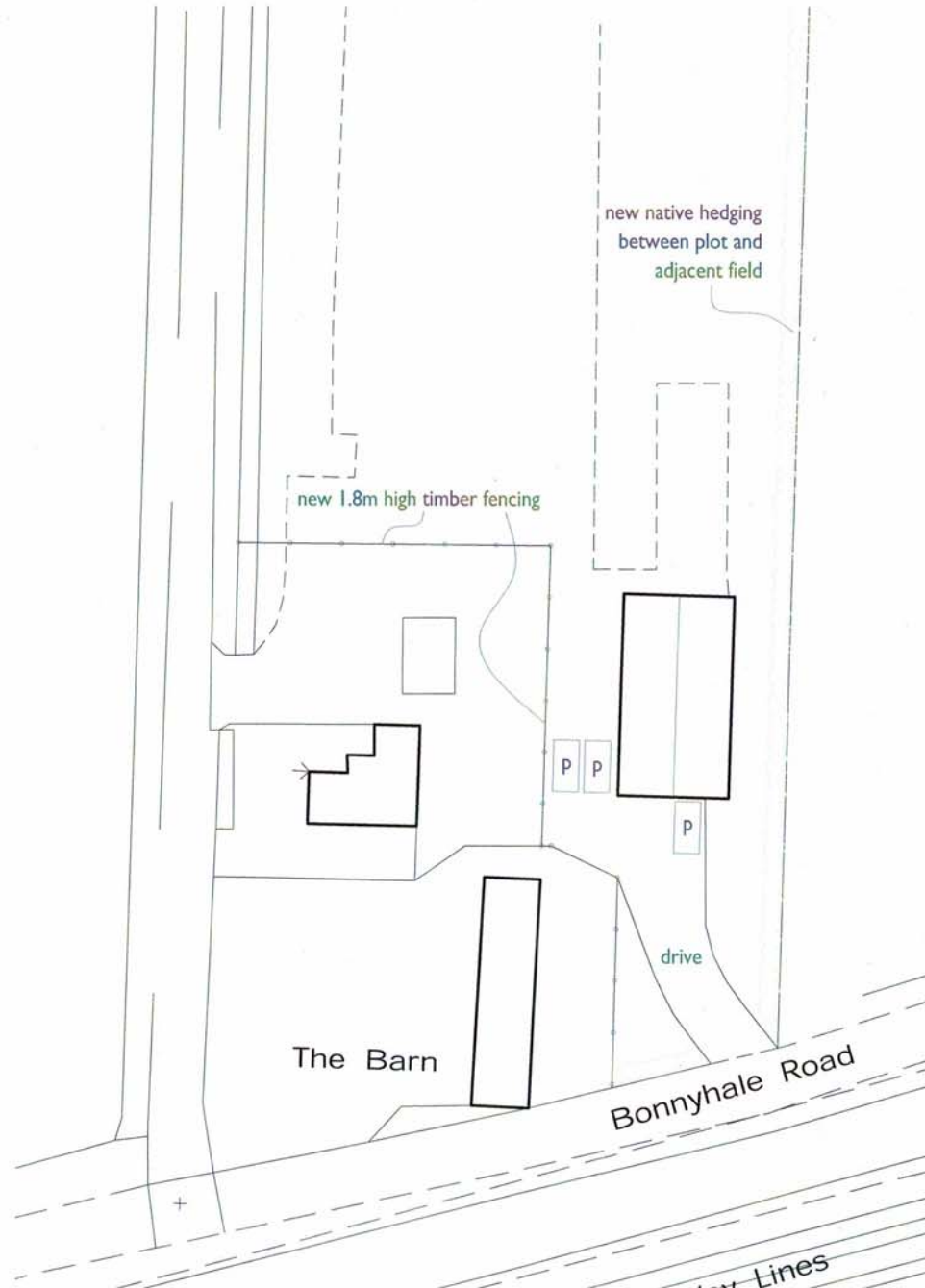
© Crown copyright and database rights 2023. Ordnance Survey AC0000819831

PA/2023/1862 Site layout (not to scale)

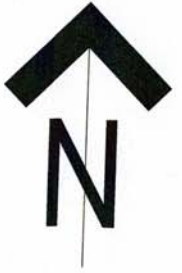
Ordnance Survey (c) Crown Copyright 2023. All rights reserved. Licence number 100022432



LOCATION PLAN 1:1250



BLOCK PLAN 1:500



JEM MANAGEMENT SERVICES
45 Crowth Road
Scunthorpe
North Lincolnshire
DN15 7PN
M - 07764922416
E - jem.manservices@btconnect.com
W - www.jemmanagementservices.co.uk

Client:
Mr & Mrs M Foster - The Burrow
Bonnyhale Road, Ealand, DN17 4DF

Project:
Proposed Barn Conversion

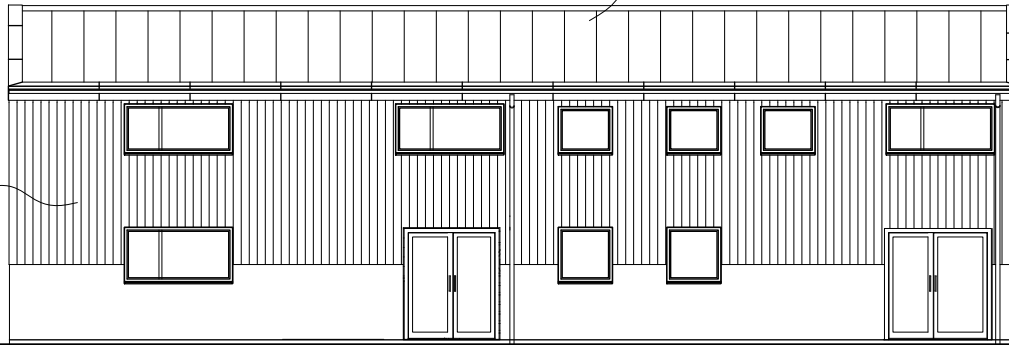
Drawing title:
Location & Block Plans

Drawn by:	Date:	Scale:
NwP	18.11.2023	as shown @ A3
Drawing No:		Rev:
PL / 23 / 01		

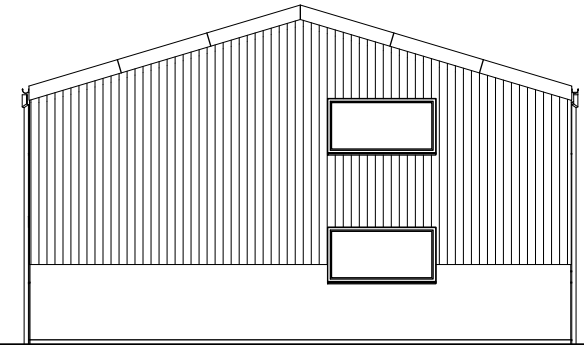
PA/2023/1862 Proposed elevations (not to scale)

big 6 lookalike steel roof
sheeting in grey

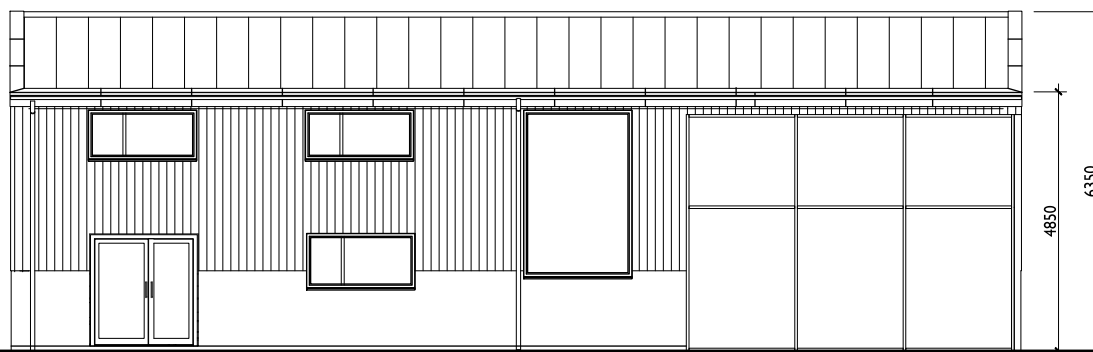
composite wood
effect vertical
cladding in black



West Elevation (front)



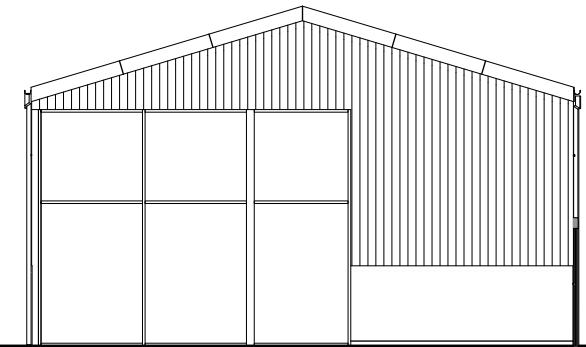
South Elevation



all windows and door
in anthracite aluminium

East Elevation

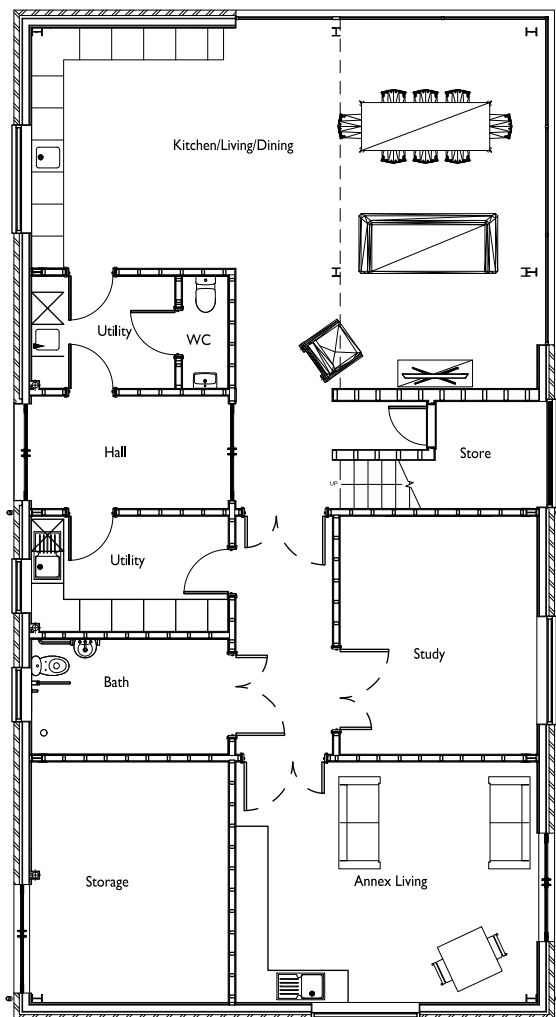
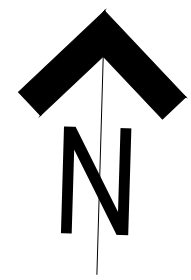
PROPOSED HOUSE ELEVATIONS 1:100



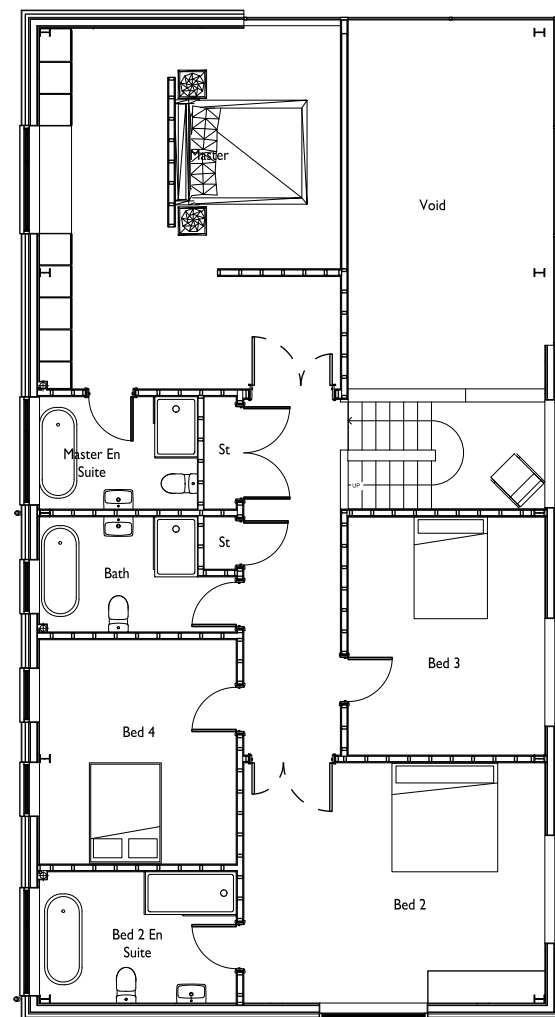
North Elevation

JEM MANAGEMENT SERVICES		
45 Oswald Road Scunthorpe North Lincolnshire DN15 7PN		M - 07764922416 E - jem.managementservices@btconnect.com W - www.jemmanagementservices.co.uk
client: Mr & Mrs M Foster - The Burrow Bonneyhale Road, Ealand, DN17 4DF		
project: Proposed Barn Conversion		
drawing title: Proposed Elevations		
drawn by: NwP	date: 18.11.2023	scale: 1 / 100 @ A3
drawing No: PL / 23 / 03		for:

PA/2023/1862 Proposed floor plans (not to scale)



Ground Floor Plan
PROPOSED PLANS 1:100



First Floor Plan

JEM MANAGEMENT SERVICES		
<small>45 Oswald Road Scunthorpe North Lincolnshire DN15 7PN</small>		
<small>M - 07764922416 E - jem.manservices@bsconnect.com W - www.jemmanagementservices.co.uk</small>		
<small>client:</small> Mr & Mrs M Foster - The Burrow Bonneyhale Road, Ealand, DN17 4DF		
<small>project:</small> Proposed Barn Conversion		
<small>drawing title:</small> Proposed Plans & Elevations		
<small>drawn by:</small>	<small>date:</small>	<small>scale:</small>
NwP	18.11.2023	1 / 100 @ A3
<small>drawing No:</small>		<small>Rev:</small>
PL / 23 / 02		