

**APPLICATION NO** PA/2021/1197

**APPLICANT** Mr Ian Tonge

**DEVELOPMENT** Planning application to remove conditions 3 and 12 of PA/2009/1081 to allow for the unrestricted occupancy of two cottages

**LOCATION** Holiday Cottages, Don Farm, Common Middle Road, Crowle, DN17 4EZ

**PARISH** Crowle

**WARD** Axholme North

**CASE OFFICER** Kevin Robinson

**SUMMARY RECOMMENDATION** Grant permission subject to conditions

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Crowle Town Council

## **POLICIES**

### **National Planning Policy Framework**

Paragraph 11: Plans and decisions should apply a presumption in favour of sustainable development.

For plan-making this means that:

- (a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;
- (b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
  - (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

- (c) approving development proposals that accord with an up-to-date development plan without delay; or

- (d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Paragraph 12: The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. 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. Local planning 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 34: Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Paragraph 38: Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Paragraph 47: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

**North Lincolnshire Local Plan:** DS1, DS7, RD2, , T2, T19, LC7.

**North Lincolnshire Core Strategy:** CS1, CS2, CS3, CS5, CS17, CS18.

## **CONSULTATIONS**

**Highways:** No objections.

**Drainage (Lead Local Flood Authority):** No objections.

**Environmental Protection:** No comments to make.

## TOWN COUNCIL

Objects on the grounds that the request deviates from the intention of the original use.

## PUBLICITY

Advertised by site notice – no comments received.

## Relevant planning history

PA/2009/1081: Planning permission to convert hayloft/stables into two holiday cottages, was approved on 28/01/2010 subject to a number of conditions. The relevant conditions to this submission are 3 and 12 which restrict the dwellings approved to occupation as holiday lets only.

## ASSESSMENT

Paragraph 38 of the National Planning Practice Guidance (NPPG) states, 'In deciding an application under section 73, the local planning authority must only consider the disputed condition/s that are the subject of the application – it is not a complete re-consideration of the application.'

Paragraph 35 of the NPPG explains that the original planning permission will continue to exist whatever the outcome of the application under section 73. Decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged.

In granting permission under section 73 the local planning authority may also impose new conditions – provided the conditions do not materially alter the development that was subject to the original permission and are conditions which could have been imposed on the earlier planning permission.

This application seeks to remove conditions 3 and 12 of planning permission PA/2009/1081 to allow for unrestricted occupancy of the two cottages. Approval was granted under reference PA/2009/1081 for the conversion of the hayloft/stables to provide two dwellings. The occupation of those approved dwellings was restricted to holiday occupation by the two conditions. Condition 3 restricted occupancy to holiday let and for no other purposes and condition 12 stipulated that no one stay should exceed 28 days within a year.

As noted, conditions 3 and 12 relate to restricting the use of the two properties to holiday accommodation only. Therefore, **the key issue in consideration of this application is whether the use as permanent dwellings poses any harm in planning terms over the existing use as holiday lets.**

In principle the re-use of existing agricultural buildings for dwellings is supported by both the NPPF and local plan policy RD2. **The key issues in considering the detail of such proposals are then:**

- **impacts upon the character of the area;**
- **impacts upon residential amenity;**
- **highway safety;**

- **drainage; and**
- **ecology.**

### **Impacts upon the character of the area**

Policy DS1 states that a ‘high standard of design is expected’ and that proposals will be considered against two criteria, these being:

- (i) the design and external appearance of the proposal should reflect or enhance the character, appearance and setting of the immediate area; and
- (ii) the design and layout should respect and where possible retain and/or enhance the existing landform of the site.

Policy RD2 of the North Lincolnshire Local Plan is concerned with development within the open countryside. The policy firstly sets out in principle those development types that are acceptable and secondly a criteria based approach to assessing those developments. The second part is of interest here in that it seeks to ensure that the visual amenity of the countryside is not compromised by poor development. Paragraph ‘c’ of the policy states:

‘...the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials;’

Policy CS5 of the North Lincolnshire Core Strategy is also relevant. It states, ‘...All new development in North Lincolnshire should be well designed and appropriate for their context. It should contribute to creating a sense of place’ and ‘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.’

Policy H5 of the local plan, which is concerned with new housing development, and paragraph 127 of the NPPF are also relevant.

In this regard there would be only very minor changes in the character of the area with the parking and amenity/garden areas to each property being defined. Given the enclosed nature of the properties, with mature boundary planting, it is not considered that such divisions would pose any appreciable impacts upon the character of the area. The proposal is therefore considered to be acceptable in this regard and in line with the requirements of the development plan.

### **Impacts upon residential amenity**

Policy DS1 of the local plan outlines requirements to ensure that proposals do not adversely impact upon the amenity of their locality.

The properties are laid out in close proximity as reflected by the original outbuilding use to the two properties in question. Notwithstanding this the dwellings would have their own garden/amenity area and would provide suitable levels of amenity for future occupiers. As such, the proposal is acceptable in this regard against policy DS1.

## **Highway safety**

Policy T2 of the local plan states that:

All development must be provided with a satisfactory access. Larger developments should be served adequately by:

- (i) being readily accessible by a choice of transport modes; and
- (ii) existing public transport services and infrastructure; or
- (iii) additions or extensions to such services linked directly to the development; and
- (iv) the existing highway network.

In this regard the proposal has parking provision for the properties. The council's highways officers have been consulted and have raised no objections. As such, it is acceptable in this regard in line with policy T2.

## **Drainage**

Policy CS19 of the Core Strategy is concerned with flood risk. It states that development in areas of high flood risk will only be permitted where it meets the following prerequisites:

1. It can be demonstrated that the development provides wider sustainability benefits to the community and the area that outweigh flood risk.
2. The development should be on previously used land. If not, there must be no reasonable alternative developable sites on previously developed land.
3. A flood risk assessment has demonstrated that the development will be safe, without increasing flood risk elsewhere, by integrating water management methods into development.

The site is located within Flood Zone 2/3a within the North Lincolnshire SFRA 2011.

The council's drainage officer has been consulted and, subject to conditions to control the drainage details, is satisfied that there would not be a significant impact upon the drainage of the site. Given the proposal is to remove a restrictive condition, it considered that a sequential test search would be restricted to the site itself and that there are benefits in bringing the properties into use as dwellings. As such the proposal is acceptable in terms of flood risk and drainage considerations.

## **Ecology**

Policy CS17 of the Core Strategy and paragraph 170 of the NPPF relate to biodiversity. Paragraph 170 states in part that a net gain for biodiversity should be achieved.

The site is not designated for any known ecological interest and would not require any significant building works given the existing position as holiday lets and the proposal as dwellings. The proposal is therefore considered to be acceptable in this regard and in line with the aims of policy CS17.

## **Conclusion and conditions**

The removal of conditions 3 and 12 is considered acceptable in regard to the requirements of the development and is therefore recommended for approval. As outlined above, under a section 73 application to vary or remove a condition the local authority has the power to consider all other conditions attached to the extant permission and amend/remove other conditions as deemed necessary. In this regard the time limit condition is not considered relevant and the plans list is not considered necessary given the built form is already in place. The flood risk condition is also not considered necessary subject to the removal of permitted development rights as outlined below. The ecological mitigation measures condition has served its purpose for the construction activity and as such should not be re-attached. Schedules for the repair work and land contamination mitigation as part of the conversion, likewise, do not need to be re-attached.

Further conditions considered necessary/good practice for the proposal are:

- a condition outlining the approved plans to establish the extent of the approval; and
- given the constrained nature of the site, a condition removing permitted development rights for any extensions or outbuildings to the resulting dwellings.

## **RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plan: Site Plan – ref 136-A4-01 Rev A dated 23.08.21.

Reason

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

2.

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that order with or without modification), no extensions, alterations or outbuildings shall be made to the dwellings.

Reason

In the interest of residential amenity in accordance with policy DS1 of the North Lincolnshire Local Plan.

## **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.

0 30 60 90 120 150 m

Drain

Crowle Common

Drain

Brunyee Drain

Drain

COMMON MIDDLE ROAD

Drain

Drain

Don House

Don Cottage

Don Farm

Old River Drain

27

23a

Acorn Cottage

Bridge Farm

Old River house

Development Boundary

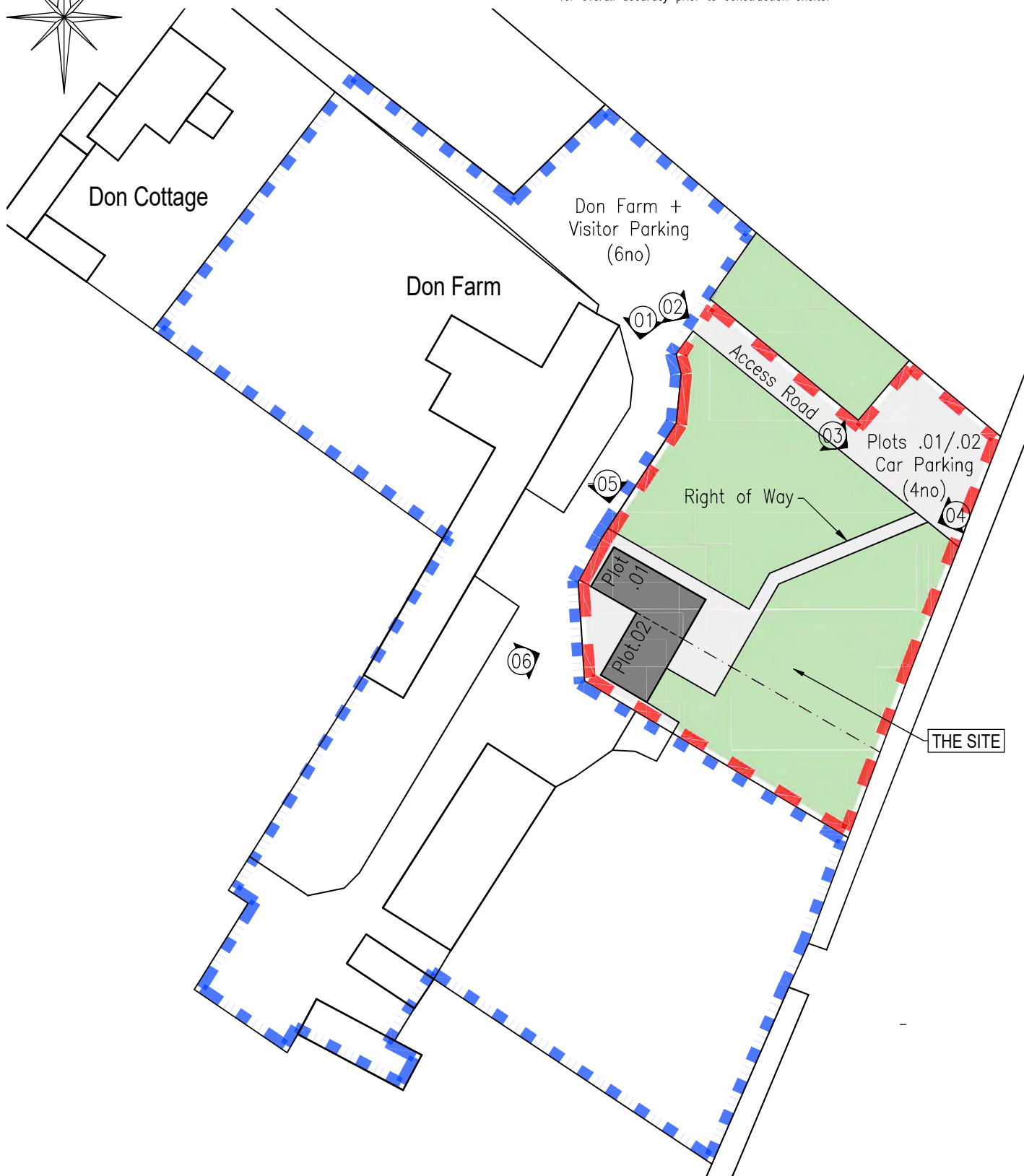
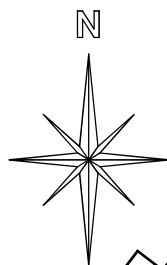
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# PA/2021/1197 Layout and photos (not to scale)

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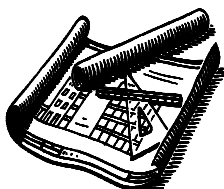
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Mr I. Tonge, 2 Cottages at Don Farm,  
Common Middle Road, Crowle

A Issued for L.A. Planning Approval. LR 23.08.21

**SITE PLAN**

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Scale 1:500.	Date 23.08.21	Status Approval
136-A4-01		A





**Photos of the Application Site, 2 Cottages at Don Farm, Common Middle Road, Crowle**



Image .01 – View of the application site looking South West.



Image .02 – View of the application site looking South East.



Image .03 – View from within the site looking South East.



Image .04 – View from within the site looking West.



Image .05 – View from within the site looking South.



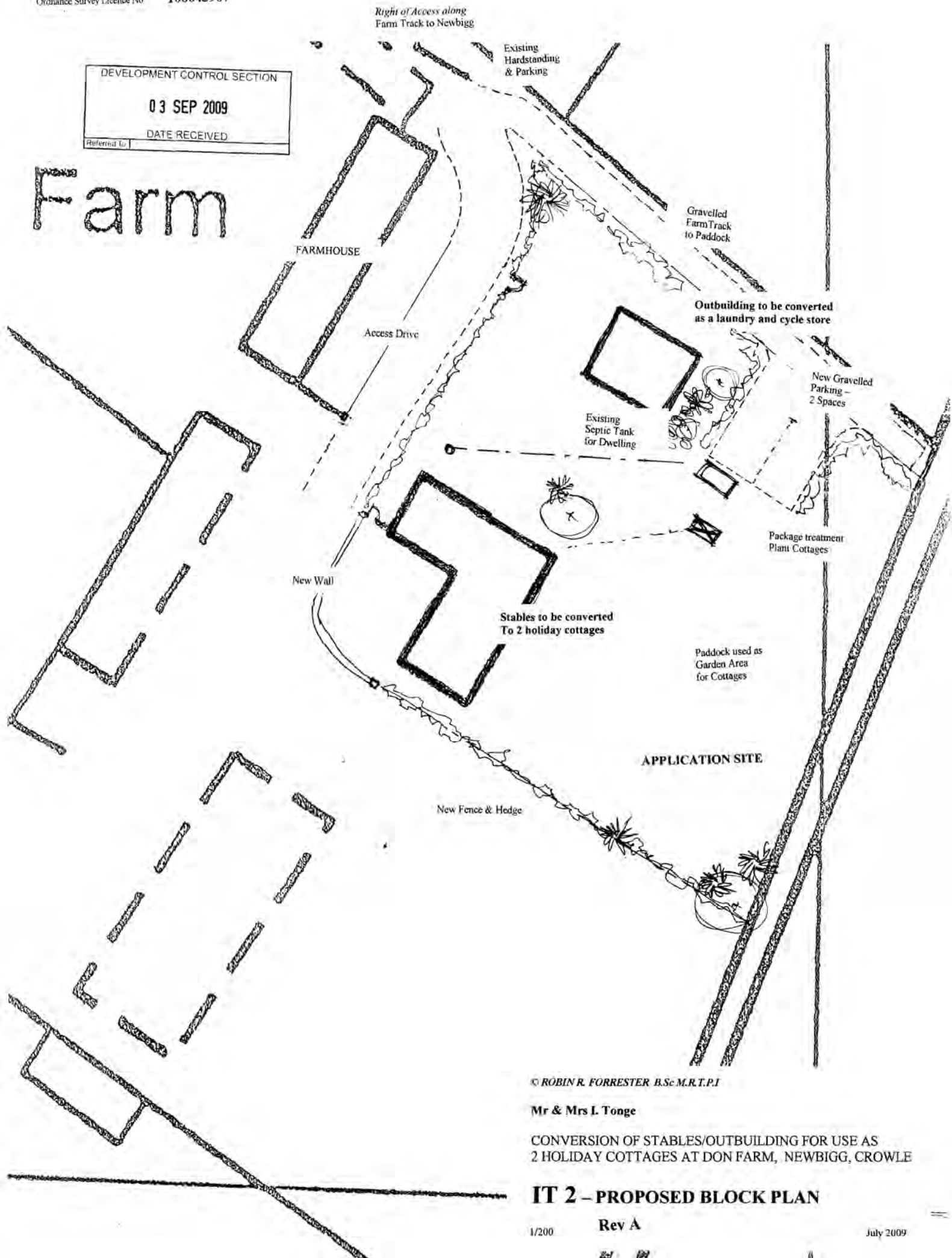
Image .06 – View from within the site looking East.

# PA/2021/1197 Previously approved layout (not to scale)

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DEVELOPMENT CONTROL SECTION  
**03 SEP 2009**  
DATE RECEIVED  
Referred to:

# Farm



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Mr & Mrs I. Tonge

CONVERSION OF STABLES/OUTBUILDING FOR USE AS  
2 HOLIDAY COTTAGES AT DON FARM, NEWBIGG, CROWLE

## IT 2 – PROPOSED BLOCK PLAN

1/200

Rev A

July 2009