

APPLICATION NO	PA/2021/1826
APPLICANT	Mr & Mrs Jenkins
DEVELOPMENT	Outline planning permission to erect three dwellings (all matters reserved for subsequent consideration)
LOCATION	Land to the north of Habrough Lane, Kirmington
PARISH	Kirmington
WARD	Ferry
CASE OFFICER	Jennifer Ashworth
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Departure from the development plan Member 'call in' (Cllr Richard Hannigan – significant public interest)

National Planning Policy Framework:

Chapter 2 – Achieving sustainable development

Chapter 4 – Decision-making

Chapter 5 – Delivering a sufficient supply of homes

Chapter 9 – Promoting sustainable transport

Chapter 11 – Making effective use of land

Chapter 12 – Achieving well-designed places

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

Chapter 15 – Conserving and enhancing the natural environment

Paragraph 7 states, 'The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'

Paragraph 8 states, 'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

- (a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at

the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- (b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural wellbeing; and
- (c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.’

Paragraph 9 states, ‘Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.’ It also explains that the three overarching objectives are not criteria against which every decision can or should be judged.

Paragraph 10 states that at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 11 sets out the presumption in favour of sustainable development and confirms that, 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 planning permission unless:
 - (v) 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
 - (vi) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

Paragraph 38 states, ‘Local planning authorities should approach decisions on proposed development in a positive and creative way...Decision-makers at every level should seek to approve applications for sustainable development where possible.’

Paragraph 47 makes clear that ‘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.’

Paragraph 130 states, ‘Planning policies and decisions should ensure that developments:

- (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

North Lincolnshire Core Strategy (2011):

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)

CS17 (Biodiversity)

CS19 (Flood Risk)

CS25 (Promoting Sustainable Transport)

CS27 (Planning Obligations)

North Lincolnshire Local Plan (2003) (saved policies):

H5 (New Housing Development) (part saved)

H8 (Housing Design and Housing Mix)

H10 (Public Open Space Provision in New Housing Development)

LC5 (Species Protection)

LC7 (Landscape Protection)

LC12 (Protection of Trees, Woodland and Hedgerows)

RD2 (Development in the Open Countryside)

DS1 (General Requirements)

DS3 (Planning Out Crime)

DS14 (Foul Sewage and Surface Water Drainage)

DS16 (Flood Risk)

T1 (Location of Development)

T2 (Access to Development)

T19 (Car Parking Provision and Standards)

Appendix 2

Housing and Employment Land Allocations DPD (2016): The proposal site is outside the defined development limit for Kirmington and is located within the open countryside as shown on Inset Map 26.

CONSULTATIONS

LLFA Drainage Team: No objection subject to conditions requiring a detailed flood risk statement and drainage strategy, and an effective method of preventing surface water run-off from within the site onto the highway and vice versa, to be submitted and agreed; and informative comments relating to an existing watercourse within the site.

Highways: Recommend conditions and an informative relating to access and parking be attached to any permission granted.

Tree Officer: This site appears to be outside the development boundary for the village and is presently used as an agricultural field bounded by hedge line along Habrough Lane and part of Limber Road.

If the planning authority is minded to give consent for this outline permission, the retention of the hedge line should be considered and improved upon with other landscaping detail required at the appropriate time.

HER (Archaeology): The proposal does not adversely affect any heritage assets of archaeological interest or their settings. No comments or objections.

Environmental Protection: Recommends a condition requiring the identification, evaluation and remediation of potential sources of contamination prior to any development taking place, and the reporting and handling of any unexpected contamination found during development.

PARISH COUNCIL

The parish council objects to this amended application due to the village lacking facilities and the school is not under-subscribed. It is also very close in proximity to a watercourse/beck and in an area that floods. It is not in the development area of the village. It is outside the village footprint, extending the village too far into the open countryside. It unacceptably changes the horizon of the village and is not in keeping with the rural nature of the village.

PUBLICITY

A site notice has been displayed and 10 responses have been received, which are summarised below:

- the land is open countryside and outside the development boundary
- no mention of 'special need' for the dwellings
- the indicative layout shows a much greater footprint for the properties than existing dwellings in Ransom Court
- the water course on the northern edge of the site provides a natural logical boundary to the settlement
- allowing the development would weaken the argument for further land to be developed
- bus service 4x ceased operation in February 2020
- no public transport available eastwards towards Grimsby, Cleethorpes and Immingham
- there would be a reliance on the private car
- existing planning permissions in the area include affordable housing on site and are on previously developed land/or within the development boundary
- in the appeal decision APP/Y2003/W/20/3248192 dated 4 September 2020 the inspector concluded that housing in an unsuitable countryside location outside a defined settlement would substantially harm the intrinsic rural character of Kirmington village
- the applicant argues that the site is sustainable and that there can be little reliance on the private car; however, reliance on car use will be high as many of the services referred to throughout the statement will in fact require a vehicle: doctors, dentist, shops, leisure facilities and cultural facilities (the local pub excluded)
- the development does not bring sufficient benefit to the village to allow for development on greenfield land; this conflicts with policy CS8
- Barnetby train station is not accessible by any realistic means other than by car
- moreover, according to the bus timetable provided in section 6.2 of the planning statement, it would not be possible for someone to achieve a full 7.5 or 8 hour working day in either Brigg or Scunthorpe with the public transport servicing the village

- the development is not sustainable
- the adverse impacts (greater number of car journeys, loss of greenfield land and associated biodiversity, pressure on the local school, increased water run-off, flood risk and pressure on local sewerage systems) will outweigh the benefits
- the site adds to the character of the village; development would result in its loss
- the land is prone to flooding during heavy rainfall/often waterlogged.

ASSESSMENT

Planning history

The following planning history is relevant:

PA/2019/745: Outline planning permission for nine dwellings (landscaping reserved for subsequent consideration) – refused 22/11/2019, appeal dismissed 04/09/2020.

Planning designations/considerations

The site lies within the open countryside outside the development limits of Kirmington.

The site is not within a conservation area and there are no tree preservation orders or listed buildings on or within close proximity of the site.

The site is within SFRA Flood Zone 1, which is identified as low risk of flooding. It is not within an Air Quality Management Area. The site is identified as Grade 2: Very Good on the Agricultural Land Classification Yorkshire and The Humber (ALC003)(Updated 2011/11/18).

The site

The application site comprises paddock land located to the south of Kirmington and is bordered by Limber Road to the west and Habrough Lane to the south. The site extends to 0.19 hectares in area and is outside of, but adjacent to, the defined settlement boundary for Kirmington; it is therefore in the open countryside. A line of trees and hedges runs along the eastern and southern boundaries of the site, and it is bordered by Skitter Beck along its northern boundary, which requires a 7m easement to be provided. Existing residential properties are located to the north and north-east. Outline planning permission is sought to erect three dwellings with all matters reserved for subsequent consideration.

The main issues in the determination of this application are the principle of residential development and its effect on the rural character of Kirmington.

Principle

The site is located outside of any defined settlement boundary and the proposal would represent a departure from the development plan. In determining whether the principle of residential development outside the settlement boundary is acceptable in this instance, it is necessary to consider whether the proposed development is sustainable in planning policy terms.

The development plan for North Lincolnshire comprises three parts: those policies of the North Lincolnshire Local Plan (2003) (LP) which were saved by a direction of the Secretary of State in September 2007, the North Lincolnshire Core Strategy DPD (2011) (CS), and the Housing and Employment Land Allocations DPD (2016) (HELAP).

The planning history demonstrates that an earlier application for nine dwellings on this and a wider part of the site was dismissed at appeal on 4 September 2020. The Planning Inspector considered the cases before him and in paragraph 18 concludes:

“Consequently, taking into account all of the factors discussed above, and being mindful of paragraph 103 of the Framework, I am not satisfied that the appeal site is a suitable location for residential development. I therefore conclude that the proposed development would conflict with Policy RD2 of the NLLP and Policies CS2, CS3, and CS8 of the NLCS which collectively aim to deliver sustainable development, protect the countryside and ensure that new housing is located in sustainable locations where there is an identified local need. It would also conflict with paragraphs 8 and 78 of the Framework which aim to achieve sustainable development and also to promote it in rural areas.”

and in paragraph 20:

“Consequently, taking into account all of the factors discussed above, I conclude that the proposed residential development would, by virtue of its scale and location, substantially harm the intrinsic rural character of Kirmington. It would, therefore, conflict with the requirements of Policies H5 and DS1 of the NLLP and Policies CS3 and CS8 of the NLCS which collectively seek to ensure that new development is of a scale appropriate to its location and that it also does not harm the character of a settlement or the setting of an area. It would also conflict with paragraph 170 of the Framework which recognises the intrinsic character and beauty of the countryside.”

The applicant has failed to demonstrate any significant changes have taken place within the settlement relating to sustainability, since the Inspector’s report was issued on 04/09/2020 to justify a change to this position.

The Settlement Survey 2019 ranks Kirmington as 37th out of 76 settlements, which is capable of taking residential infill development of an appropriate scale within or adjoining the settlement. The site is not an infill site and whilst it does adjoin the settlement boundary there is an existing natural boundary (Skitter Beck) to the north which separates the site and the settlement, which also requires a further 7m easement beyond this before development can begin. Allowing development to take place on this part of the site would leave land further north-west of the site (to the rear of the plot) and to the south vulnerable to challenge and future development within the countryside.

The survey highlights that Kirmington is a smaller Rural Settlement. The scoring for the settlement highlights the following:

- **Conveniences:** The settlement scores 5 out of a possible 21 points. Understanding this further, the score relates to there being the following available within the village – a public house, a post box and commercial services. There is no supermarket or convenience store, café, restaurant or market.
- **Community services:** The settlement scores 6 out of a possible 20 points. There are a mobile library, a place of worship, a playground, and sports and leisure pursuits.

- Living environment and community safety: The settlement scores 0 out of a possible 6 points.
- Health and Education: The settlement scores 3 out of a possible 16 points. There is a local primary school, however no doctors, dentist, pharmacy, further education or secondary school, and people would need to travel outside the settlement to access these services.
- Transport and access to employment: The settlement scores 5 out of a possible 12 points. The settlement scores low on this, having access to a bus stop which provides only a daily service, rather than an hourly one. The settlement is, however, only 30 minutes from an employment centre, although the reliance would be on the private car due to the limited bus service.
- Tourism: The settlement scores 1 out of a possible 1 point. The settlement includes a guest house service.

Other than tourism the site scores significantly less than half the available points for each of the categories. This demonstrates that the settlement is not rich with services and facilities to serve a local community and that there is a heavy reliance on travel outside the settlement to access other services. This same information was used in the council's appeal statement to the Inspector at the time. This is the information on which the decision was based at that time and has not changed. If anything, services within the area with regard to buses have declined.

Another change to the position is that at the time of the appeal the council accepted that they could not demonstrate a five-year housing land supply and therefore the NPPF was engaged. The council's updated position is that it does have a five-year housing land supply. However, regardless of this position, the sustainability credentials of the site cannot be realised. The council has not been provided with sufficient evidence to demonstrate a positive change in the sustainability of the settlement that would outweigh the harm that development within the open countryside would bring. The proposal is also for market housing, as was the previous application (PA/2019/745), albeit that application was for nine dwellings, whereas this application is for three.

As such, the previous assessment of the site under application PA/2019/745 remains valid and this current assessment has been updated to reflect the new proposal for three dwellings on the site. However, the principle arguments remain the same. The council's position remains that the site is not a suitable location for residential development.

Policy CS1 of the CS sets out a spatial strategy for North Lincolnshire which, amongst other matters, provides that rural settlements will be supported as thriving sustainable communities, with a strong focus on retaining and enhancing local services to meet local needs and that any development that takes place should be in keeping with the character and nature of the settlement.

Policy CS8, whilst restricting housing outside development limits, contemplates some greenfield development as it refers to allowing development on such sites where it can be demonstrated that this would bring additional community benefits, contribute to building sustainable communities and be acceptable in terms of its impact on the high quality environment and adjoining countryside. This overall approach is supported by policy CS2 which sets out a sequential approach for development.

Policy CS3 provides that development limits will be defined in future development plan documents. Outside these boundaries, development will be restricted to that which is essential to the functioning of the countryside. The development limits were subsequently defined in the HELAP, and the application site is located outside the defined development limit for Kirmington. There are no allocated housing sites within Kirmington.

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

The aforementioned policies are aimed at focusing housing within settlement limits as defined in the Housing and Employment Land Allocations DPD. The application site is entirely outside the defined development boundary for Kirmington and is therefore considered to be in breach of policies CS2, CS3 and CS8 of the Core Strategy and RD2 of the local plan.

The applicant has submitted a planning statement that sets out the above policies in chapter 5 . However, no analysis or cross-reference of these policies is presented and no justification under the policies is provided. The report concludes and accepts that the site is outside the defined settlement boundary. It goes on to report that the site is not an isolated site and its proximity to key services and facilities would make the site sustainable (paragraph 7.1). However, no evidence is provided to back this statement. The council's evidence contained within the Settlement Survey 2019 and the Inspector's report ref. APP/Y2003/W/20/3248192 relating to the previous application PA/2019/745 provides evidence to prove otherwise.

The five-year housing land supply statement sets out North Lincolnshire Council's assessment of its supply of housing land from 1 April 2019 to 31 March 2024, having regard to Government guidance on how this is calculated. This report states that North Lincolnshire has a five-year housing land supply of deliverable sites for the period April 2019 to March 2024. Whilst the council agrees with the applicant that even where a local planning authority can demonstrate a five-year housing land supply, this must be recognised as a minimum figure in light of the NPPF which significantly boosts the supply of new homes, it is not considered that this site is suitable for residential development and that other more favourable sites are available within the local authority's area.

Paragraph 8 of the NPPF sets out three dimensions to sustainable development: economic, social and environmental.

It is acknowledged that investment in construction and related employment would represent a benefit, as would the support that the additional population would provide for the local economy. However, it is considered the level of benefit that would be generated by the provision of three properties would not outweigh the harm in this instance and there are more suitable sites within the area that should be considered first.

Whilst the proposal would increase the local population, there would continue to be a reliance on the private car to access facilities in Ulceby and Great Limber and the wider range of services in Brigg and Barton upon Humber, with a lack of access to any facilities within Kirmington, particularly given the number of dwellings being proposed in this case

(three). The proposal is not for affordable housing and does not constitute dwellings for specific circumstances associated with this countryside location – it is for three market houses.

With the exception of the Marrowbone and Cleaver public house, the primary school and the mobile library (visiting) there are no additional public services or amenities within Kirmington and there is a reliance on the settlements of Ulceby, Brigg and Barton upon Humber for day-to-day needs.

Kirmington has a fairly limited bus service and, given the lack of facilities within the settlement, it is considered the development would necessitate the use of a private motor vehicle. Policy CS2 of the Core Strategy promotes sustainable development and sets out criteria against which all new developments should be assessed in this regard. These criteria include minimising the need to travel and making necessary journeys possible by public transport, cycling and walking, and making sure that people have access to community and cultural facilities that they need for their daily lives. Due to the distance from local facilities and the number of dwellings proposed, the proposed development would not minimise the need to travel and would promote reliance on the private car to access everyday facilities. The development would therefore be contrary to policy CS2.

Policy CS8 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. With regard to rural settlements (as in the case of Kirmington), the policy states that new housing 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. In the open countryside, outside development limits, development will be strictly limited and only permitted if it relates to agriculture, forestry or to meet a special need associated with the countryside.

Policy CS2 of the Core Strategy echoes a similar sequential approach to development in that it seeks to focus development in the Scunthorpe urban area followed by development within the defined development limits of North Lincolnshire's market towns and rural settlements.

Given the position of the application site outside the defined settlement boundary for Kirmington (in the open countryside), that the local planning authority can demonstrate a five-year housing supply of deliverable sites, and that policies relating to a sequential approach to development are considered up-to-date in the context of this application, then it is considered that the proposal is contrary to policies CS2 and CS8 of the adopted Core Strategy in that development is not focused in Scunthorpe or the market towns and does not represent small-scale infill development within the defined development limits of a rural settlement that maintains the viability of the settlement (three dwellings).

Policy RD2 of the North Lincolnshire Local Plan sets out the type of development that is appropriate in the open countryside and the criteria against which all applications in the countryside will be assessed. Policy RD2 only supports residential development in the countryside where it is to meet some essential countryside need, such as farm workers' dwellings. Policy CS3 of the Core Strategy also restricts development in the countryside to that which is essential to the functioning of the countryside.

The applicant has provided justification within the supporting planning statement to substantiate the development in terms of its countryside location. However, the

development does not constitute dwellings for specific circumstances associated with this countryside location; it is for market dwellings. Based on the supporting information, the proposed development is contrary to policies RD2 and CS3 as it is for market housing not essential to the functioning of the countryside or any rural business.

In terms of the environmental dimension, the proposal, whilst in outline form, would significantly alter the character and appearance of the countryside, particularly given the introduction of three separate driveways/access points onto the main highway and three large-sized detached properties which, whilst single-storey, will be prominent when travelling into and out of the settlement along Limber Road and Habrough Lane. The Planning Inspector, in his report relating to nine dwellings on the site, makes the following points:

Paragraph 19: "As the proposal is outside the visibly clear settlement boundary in this area, I consider it to be out of character with the existing built-form of the village and its established pattern of development."

This position remains unchanged whether the development is for one or nine houses. The existing built form establishes the pattern of development within this area. Any development of this site would conflict with this.

Paragraph 20: "Moreover, given that the appeal site is largely surrounded by open agricultural land and that the proposal would introduce new housing with an associated access road to a greenfield site, I consider that it would have an adverse visual impact thereby significantly harming the area's intrinsic rural character."

This position remains unchanged whether the development is for one or nine houses. The land around the development site has not changed in the time since the appeal was dismissed and this new application being made.

Paragraph 21: "I consider the existing residential development to be a clear linear boundary which defines the limits of the settlement. As such, I also therefore consider that the proposal would represent an undesirable incursion into this more open rural land thereby harming its setting and character."

This position remains unchanged whether the development is for one or nine houses.

The proposal has the potential to destroy the greened appearance of the site and result in built form extending further south and east into the countryside. The introduction of three new dwellings on a site that is outside the development boundary for Kirmington, would have an urbanising effect on the southern and south-eastern edges of the settlement, to the detriment of the open character of the rural landscape. The landscape impact would therefore be significant. In addition, there is no further residential development to the south of the site and the development would therefore extend built form into the rural landscape.

Whilst it is accepted that the development of three new dwellings would provide social, economic and environmental benefits, there is significant conflict with the development plan and those of the Framework and as such the proposal cannot be considered sustainable development in accordance with paragraph 11 of the Framework. The inspector at the time of the previous appeal considered that, given the substantial harm (which still exists in relation to this new application and has not been sufficiently demonstrated otherwise by the applicant), the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework

as a whole, including its presumption in favour of sustainable development. This position remains valid.

Based on the above, it is considered that the position remains unchanged and the applicant has failed to outline any changes in policy or any other material factors that justify the site, within the open countryside, coming forward for development. The proposed development is not acceptable in principle as it is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is located outside of a defined settlement boundary and is not for specific purposes associated with a rural location which include agriculture, forestry or to meet a special need associated with the countryside.

In addition, it is considered that the proposed development, by virtue of its location outside the defined settlement boundary for Kirmington, is considered to have an urbanising effect on the southern edge of the settlement by introducing a significant level of built form into the rural landscape, to the detriment of its open and greened character and appearance.

Design/appearance

The proposal is made in outline at this time and an indicative site layout plan has been provided.

The indicative layout suggests the properties would be positioned addressing the highway frontage along Limber Road to the west and would be set back from the main highway to allow for access and parking provision. The plots would also include a good-sized garden to the rear. The applicant has suggested within the supporting Planning Statement that the dwellings would be single-storey to reduce potential for overbearing impacts as well as reducing the visual impact.

The pattern of development is not considered to be out of keeping with the settlement character of Kirmington to the north and north-west and the heights of the dwellings is generally consistent with the prevailing height of dwellings along Ransom Court.

Residential amenity

The plans are indicative at this time and all matters are reserved for subsequent consideration. The indicative layout seeks to erect three large, detached properties set back from the main highway off Limber Road. Three separate access points will be positioned off Limber Road to serve the properties. The plans indicate sufficient space for the parking of two vehicles, but more information would need to be provided to demonstrate that there is adequate turning provision within the site to negate the need for reversing onto Limber Road.

There is sufficient space within the site to provide additional parking. The plan also shows the provision of private amenity space to the rear of each dwelling. The properties are positioned very close to each other and do not provide much separation distance between the plots. Whilst the indicative plan shows a good-sized rear garden space, the scale and massing of the dwellings would need to be addressed to include greater separation between the plots. It would be recommended that no windows, other than obscured glazed, be positioned within the side elevation (north) of plot 1, which is the closest plot to the bungalows located off Ransom Court. The properties are considered to be set far enough away from the properties on Ransom Court as to not result in any issues of overbearing impact, loss of light, loss of sunlight or impacts relating to privacy.

Details regarding boundary treatments would need to be provided taking into account the tree officer's comments.

In conclusion, the proposed development is not considered to result in loss of residential amenity to existing properties in this case.

Impact on view is not a material planning issue and will therefore not be formally assessed in this case.

Other issues

Flood risk and drainage

The LLFA Drainage Team have been consulted and comment that full consideration must be given to the existing adjacent watercourse, highway culvert with respect to bank levels and its potential to overtop and flood the development. It is advised that finished floor levels must be raised above the adjacent watercourse and/or comparable with the adjacent highway. It is considered that, through good design, the majority of localised flooding can be mitigated and is not cost prohibitive to the development.

Issues have been raised about the existence of the watercourse and that the land is prone to flooding and saturation. It is noted that Skitter Beck runs a course through the site along the northern boundary in a west to east direction. The plans show that a 7 metre deep easement would be provided along the northern boundary, which would allow access for the Internal Drainage Board to maintain the watercourse.

The LLFA Drainage team have recommended a series of conditions should planning permission be granted.

Highways

No issues have been raised by Highways in respect of the impact of the development upon highway and pedestrian safety. The department have recommended a series of planning conditions and an informative should the application be granted permission.

Environmental Protection

The application for residential development is a sensitive end use. In addition, historical mapping indicates the site has been used as an agricultural field. Agricultural sites have the potential to be impacted upon by contaminants such as metals, hydrocarbons, pesticides and herbicides which are harmful to human health.

In its current form the Environmental Protection team consider that the application does not comply with national and local planning policy guidance. Subject to the inclusion of an appropriately worded condition, the team does not have any objection to the proposal.

Conclusion

It is considered that the proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is located outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside. In addition, given the location of the development, it is

considered to have an urbanising effect on the southern edge of the settlement by introducing new built form into the rural landscape, to the detriment of its open character and appearance.

RECOMMENDATION Refuse permission for the following reasons:

1.

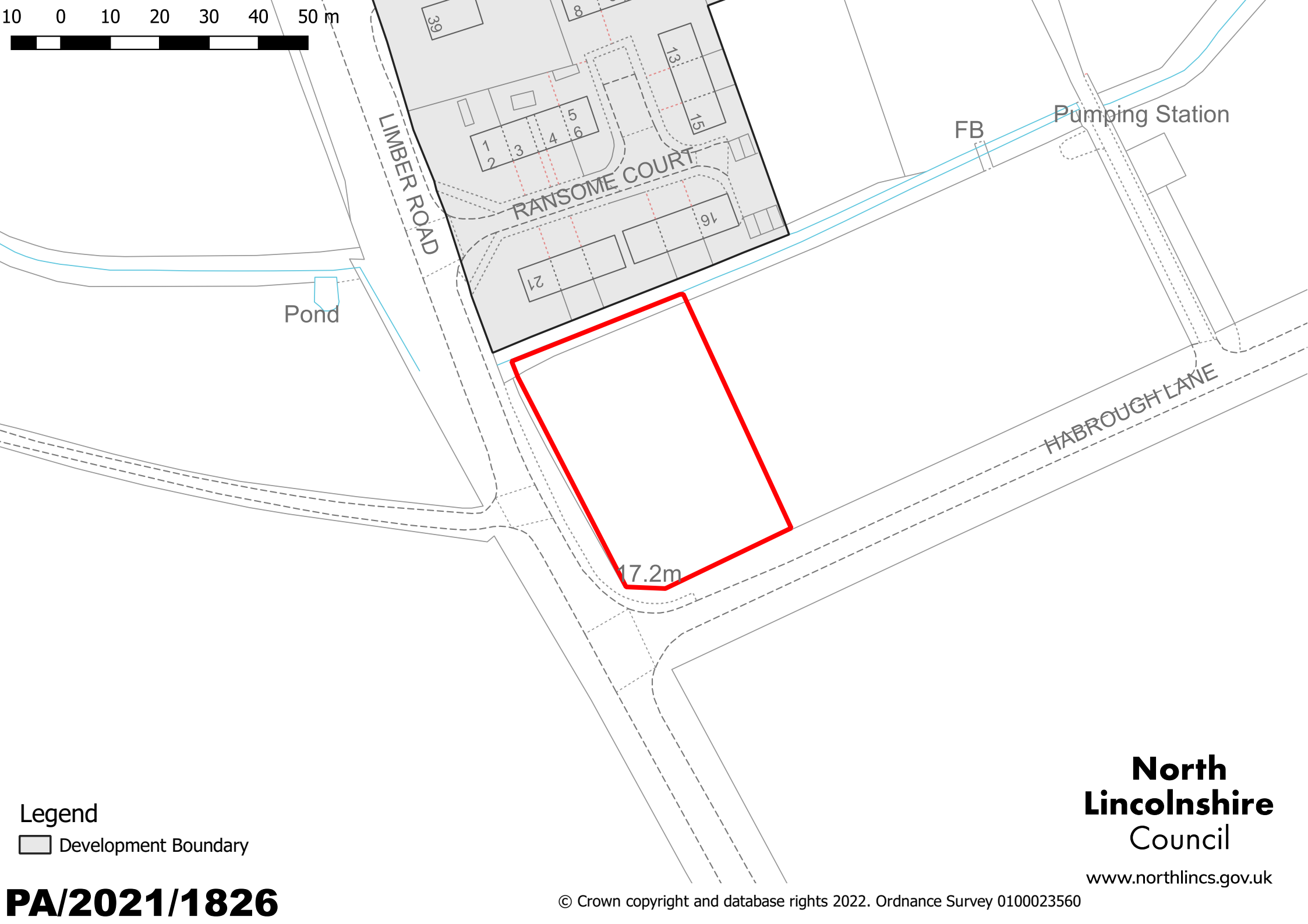
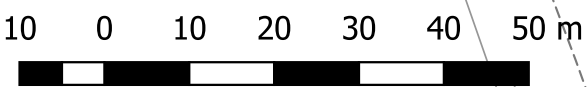
The proposed development is contrary to policies RD2 of the North Lincolnshire Local Plan and CS2, CS3 and CS8 of the adopted Core Strategy in that the site is outside of a defined settlement boundary and is not for specific purposes associated with a rural location, which include agriculture, forestry or to meet a special need associated with the countryside.

2.

The proposed development, by virtue of its location outside the defined settlement boundary for Kirmington and the scale of development proposed (three dwellings), is considered to have an urbanising effect on the southern edge of the settlement by introducing built form into the rural landscape, to the detriment of its open character and appearance. Therefore, the development is considered contrary to policies RD2, H5, and DS1 of the North Lincolnshire Local Plan and CS5 and CS8 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.



Legend
Development Boundary

**North
Lincolnshire
Council**

www.northlincs.gov.uk

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PA/2021/1826 Indicative layout (not to scale)



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