

# Development Management Delegated Decision Report

B/21/0377



SUMMARY OF APPLICATION			
Application Reference	B/21/0377		
Application Type	Full Planning Permission		
Proposal	Proposed replacement two-storey dwelling including construction of new access and drive.		
Location	Walnut Tree Farm, Tattershall Road, Boston, PE21 9NL		
Applicant	Alchemy Farms Ltd		
Agent	Mr Lewis Smith, Robert Doughty Consultancy Limited		
Received Date:	11-Aug-2021	Consultation Expiry Date:	17-Sep-2021
Valid Date:	11-Aug-2021	Statutory Expiry Date:	06-Oct-2021
Date of Site Visit:	23-Sep-2021	Extension of Time Date:	---
Objections received?	None		
5 day notification record: Not applicable			
Councillors notified	Date	Response received – date	Ok to continue
Recommendation	REFUSE Planning Permission		
Report by:	Simon Eldred		
Date:	27 <sup>th</sup> September 2021		

## OFFICER REPORT

### SITE AND SURROUNDINGS:

The application site is located on the northern side of Tattershall Road and contains:

- a domestic curtilage containing:
  - the steel frame of a derelict agricultural/storage building;
  - an open-fronted storage building constructed in sheet materials;
  - a touring caravan;
  - a vacant, detached, two-storey dwelling constructed in red brick, and with a sheet material roof; and
  - attached single-storey storage buildings constructed in red brick and pantiles (in varying stages of dilapidation); and
- areas of farmland to the south, north and east of the curtilage.

The site is located in the countryside, and is largely surrounded by agricultural land. There are scattered dwellings in the wider area, and a group of 4 dwellings immediately to the site's south-east.

### DETAILS OF PROPOSAL:



It is proposed to construct a new two-storey dwelling in replacement of the original. The replacement dwelling will be constructed in almost the same location as the original, but will be T-shaped in plan. It will have a living room, kitchen/dining room and lobby on the ground-floor, and three en-suite bedrooms and a landing on the first floor. It will have doors and extensive fenestration in its front (southern) and rear (northern) elevations, and a balcony on its northern elevation.

The proposed dwelling will sit within a significantly enlarged residential curtilage (encompassing agricultural land to the north, south and east of the existing curtilage) the boundary of which will be defined by timber post and rail fencing, a native hedgerow, and occasional hedgerow trees. A new vehicular access onto Tattershall Road will be provided, approximately 25m to the west of the existing access, which will be removed. There will be tree planting along the boundaries of the proposed new access road, and a block of tree planting is also proposed between the new access and the existing dwellings to its east.

### **RELEVANT HISTORY:**

No recent, relevant history.

### **RELEVANT DEVELOPMENT PLAN POLICIES AND DOCUMENTS:**

The **South East Lincolnshire Local Plan 2011-2036** shows the application site as being in the Countryside approximately 1km from the nearest Settlement Boundary (Boston), but no particular allocations or designation apply. The relevant Policies of the Local Plan are:

- Policy 1 – Spatial Strategy;
- Policy 2 – Development Management;
- Policy 3 – Design of New Development;
- Policy 4 – Approach to Flood Risk;
- Policy 22 – Replacement Dwellings in the Countryside;
- Policy 28: The Natural Environment;
- Policy 30 – Pollution;
- Policy 31 – Climate Change and Renewable and Low Carbon Energy; and
- Policy 36 – Vehicle and Cycle Parking.

### **OTHER RELEVANT DOCUMENTS / LEGISLATION / GUIDANCE:**

#### **National Planning Policy Framework (2021)**

At the heart of the 2021 Framework is a presumption in favour of sustainable development. The following sections are relevant to this scheme:

- Section 2 – Achieving sustainable development;
- Section 4 – Decision-making;
- Section 9 – Promoting sustainable transport;
- Section 11 – Making effective use of land;
- Section 12 – Achieving well-designed places;
- Section 14 – Meeting the challenge of climate change, flooding and coastal change; and
- Section 15 – Conserving and enhancing the natural environment.

### **CONSULTATION RESPONSES:**

The Witham Fourth District Internal Drainage Board asks to be contacted if there is any change to the surface water or treated water disposal arrangements as stated in the application.

Lincolnshire County Council (the Local Highway and Lead Local Flood Authority) concludes that, subject to 1 condition and 2 informatives, the proposed development is acceptable.

### **THIRD PARTY REPRESENTATIONS RECEIVED:**

A resident of Anton's Gowt asks that a minimum of 3 swift nesting bricks should be included to provide enhancement for biodiversity.

### **EVALUATION:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that determination must be made in accordance with the Plan unless material considerations indicate otherwise. The key considerations in regard to this application are:

- matters of principle;
- impact on the character and appearance of the area;
- impact on residential amenity;
- highway safety;
- parking provision;
- water use issues;
- biodiversity; and
- flood risk.

### ***Principle***

Policy 22 – Policy 22 of the Local Plan specifically relates to replacement dwellings in the countryside and indicates that such developments will be permitted, provided:

1. *“the residential use of the building to be replaced (the original building) has not been abandoned;*
2. *the original building is permanent, has not become derelict and is not the result of a temporary permission;*
3. *the original building is not of architectural or historic merit and is not capable of repair;*
4. *the replacement building is of a high standard in terms of architectural detailing and materials of construction;*
5. *the replacement dwelling is positioned on a similar footprint to the original building unless it can be demonstrated that the re-positioning would have beneficial impacts such as improving the character and appearance of the site and its locality; and*
6. *the replacement building does not exceed the floor area of the original dwelling by more than 40%, unless the development is of exceptional quality or innovative in nature in terms of its design, use of materials and levels of energy efficiency.”*

Looking at each of these criteria in turn:

1. The building to be replaced was unused at time of the site visit, but:
  - although no information has been provided to indicate when it was last occupied, it did not appear to have been empty for a lengthy period ;
  - the physical condition of the building is not particularly poor;

- efforts have been made to prevent unauthorized entry to the building; and
- the building does not appear to have been put to any other use since it was last occupied as a dwelling.

In these circumstances, it is considered that the residential use of the building has not been abandoned.

2. It is considered that the building to be replaced is permanent, is not derelict and is not thought to be the result of a temporary planning permission.

3. The building to be replaced is not considered to be of any particular architectural or historic merit. The application is not accompanied by a Structural Survey or any other evidence to clarify whether the building is capable of repair. However, a covering letter clarifies that the existing dwelling has suffered *“repeated acts of vandalism and trespass”* and that *“attempts to secure it from forced entry have proved unsuccessful with window boarding being repeatedly removed.”* At the site visit it appeared that the building, though not derelict, was in sufficiently poor condition to mean that it would not be suitable for occupation without significant work.

4. When compared to the existing building, it is considered that the proposed replacement has a superior design. It is also considered that the proposed palette of materials (red brick walls, slate roof and timber window frames and doors) will be appropriate to the location.

5. The replacement dwelling is proposed to be located in almost exactly the same location as the existing building.

6. Taking measurements from the Existing Site Plan, it appears that the floor area of the existing dwelling (i.e. excluding the floor areas of the attached single-storey storage buildings) is approximately 152m<sup>2</sup>. Taking measurements from the Proposed Dwelling Plans and Elevations, it appears that the floor area of the proposed dwelling will be approximately 172m<sup>2</sup>, i.e. approximately 13% greater. Thus, it is considered that the proposed replacement does not exceed the floor area of the existing by more than 40%.

From the above, it is clear that the proposal complies with the requirements of Policy 22's six criteria.

Loss of agricultural land - The Agricultural Land Classification Maps produced by the Ministry of Agriculture, Forestry and Fisheries show the farmland surrounding the existing curtilage as Grade 1 land, i.e. amongst the very best of the 'best and most versatile' land in the UK. Neither the NPPF nor the Local Plan's Policies indicate that the change of use of agricultural land to a residential curtilage is automatically inappropriate. However:

- the NPPF sets out the objective for development to use *“natural resources prudently”* (paragraph 8), and requires planning decisions to recognise *“the economic and other benefits of the best and most versatile agricultural land”* (paragraph 174); and
- the Local Plan seeks to *“minimise the loss of South East Lincolnshire's high-quality agricultural land”* (Strategic Priority 9) and identifies that *“the countryside of South East Lincolnshire is a precious resource, mainly in its role for agriculture”* (reasoned Justification to Policy 1).

The existing residential curtilage (excluding the vehicular access) extends to approximately 0.23 hectares, whereas the proposed residential curtilage (once again excluding the vehicular access) measures approximately 0.63 hectares (using the measurements set out on the submitted

Existing Site Plan). Thus, the proposals involve the change of use of approximately 0.4 hectares of agricultural land to residential use.

At the site visit, it was noted that the existing curtilage does not extend at all to the north of the existing dwelling, and it is therefore accepted that some modest northern extension of the existing curtilage is desirable/necessary. However, in the light of the above advice (and particularly given that the application is not supported by any evidence to demonstrate that the proposed loss of approximately 0.4 hectares of agricultural land will be acceptable) it is considered that this aspect of the proposals conflicts with the provisions of the NPPF and the Local Plan.

### **Character and appearance of the area**

Policy 2 of the Local Plan indicates that proposals requiring planning permission will be permitted provided that sustainable development considerations are met, including size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as quality of design and orientation.

Policy 3 of the Local Plan indicates that all development must create a sense of place by respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings, and the surrounding area.

The proposed dwelling is not significantly larger in its footprint or height than the building that is proposed to be replaced, and consequently its visual impact in the landscape will be little different. The proposed replacement has an attractive, modern design with adequate detailing to ensure that it is architecturally interesting, and is proposed to be built in an appropriate palette of materials. Extensive landscaping is proposed.

In all therefore it is considered that the proposals: will not harm the character or appearance of the area; and will meet these requirements of Policies 2 and 3.

### **Residential amenity**

Policies 2, 3 and 30 of the Local Plan seek to ensure that new development does not significantly impact on neighbouring uses.

The proposed replacement dwelling will be approximately 300m from even the nearest existing dwelling (Sedalia) and, at this distance, will have no adverse effects in terms of overlooking/loss of privacy, over-shadowing, loss of light, or harm to outlook. The proposed vehicular access will join with Tattershall Road approximately 25m to the west of Merville, but any impacts will be less severe than they would be from existing arrangements – given that the existing access immediately adjoins Merville, and a tree-planting buffer is proposed.

In all, it is considered that the proposals will not harm neighbours' amenity and that they therefore meet these requirements of Policies 2, 3 and 30.

### **Highway safety**

Policy 2 of the Local Plan identifies vehicular access as a sustainable development consideration.

The proposals include the creation of a new vehicular access, approximately 25m to the west of an existing access. This proposed vehicular access will join with Tattershall Road, where the

speed limit is 60 MPH. It is noted that the Highway Authority raises no concerns about the adequacy of the available visibility splays. The Proposed Site Plan shows the provision of significant space within the curtilage for the turning of vehicles, so that they can leave the site in a forward gear.

The Highway Authority does, however, ask that one condition (to require the permanent closure of the existing access) and two informatives (concerned with the construction of the new access) should be attached. The applicant indicates that they intend to close the existing access once the new one has been created, but the suggested condition is nonetheless considered to be necessary to require this to happen.

In all, and subject to a condition to require the permanent closure of the existing access within 7 days of the new access being brought into use, it is considered that: the proposals will not prejudice highway safety; and meet these requirements of Policy 2.

### ***Parking provision***

Policy 36 of the Local Plan indicates that all new developments should provide vehicle and cycle parking in accordance with minimum standards set out in Appendix 6. The Appendix indicates that 2 car parking spaces and 1 cycle parking space should be provided within the curtilage of a dwelling with up to 3 bedrooms.

The proposals do not include a garage, but the Proposed Site Plan shows the provision of significant space within the curtilage for the turning of vehicles/parking of vehicles. It is considered that this will be comfortably sufficient to meet the Policy's car parking requirements. Although no specific cycle parking provision is identified, it is considered that the curtilage presents adequate opportunities for the secure parking of bicycles.

In all, therefore, it is considered that: the proposals include adequate parking provision; and meet these requirements of Policy 36.

### ***Water use issues***

Policy 3 of the Local Plan requires development proposals to minimise the use of water, and Policy 31 specifically requires residential development to comply with the Building Regulation water efficiency standard of 110 litres per person per day.

The application and accompanying documents do not address issues concerning water use. However, it is considered that this matter can be adequately dealt with by the attachment of a condition to require the water consumption of the dwelling to not exceed 110 litres per person per day.

### ***Biodiversity***

Policy 3 of the Local Plan requires the incorporation of existing hedgerows and trees into development proposals, and the provision of appropriate new landscaping to enhance biodiversity. Policy 28 requires all development proposals to provide an overall gain in biodiversity. Policy 31 requires all development proposals to incorporate measures which promote and enhance green infrastructure and provide a net gain in biodiversity.

A respondent asks for the installation of a minimum of 3 swift nest bricks to provide enhancement for biodiversity.

The application site contains no existing hedgerows or trees, nor any other meaningful, features of biodiversity value (beyond a few small shrubs towards the south-western corner of the existing curtilage) which could be incorporated into the development. The proposal involves the planting of approximately 225m of new native hedgerow, and significant numbers of trees (within the hedgerow, alongside the new vehicular access, and in a block to the east of the new access road's junction with Tattershall Road). It is considered that these measures will significantly enhance the feeding, nesting and roosting opportunities offered by the site, and will ensure that the proposal will provide an overall net gain in biodiversity (without the need for nest bricks to be sought).

It is therefore considered that the proposals meet these requirements of Policies 3, 28 and 31 of the Local Plan.

### ***Flood risk***

Policy 4 of the Local Plan seeks to ensure that new development is not unnecessarily exposed to flood risk, and does not increase flood risk elsewhere. The application is accompanied by a Flood Risk Assessment which identifies potential sources and likely severity of flooding, and indicates that:

- the site would not be affected by flooding following a breach to tidal flood defences, but that flooding from the River Witham would be predicted to have a depth of 2.62m ODN;
- the ground-floor living accommodation will be raised 300mm above the existing ground level (i.e.at 2.94m ODN);
- water, electricity and gas meters should be located at least 500mm above ground-floor level, and electric ring mains will be installed at high level with drops to ground-floor sockets and switches;
- other flood resistance or resilience measures should be built in; and
- the property owner should register to receive flood warnings from the Environment Agency.

Subject to a condition to require the development to be carried out in accordance with the measures set out in the 'Flood resilience construction and 'Conclusion' sections of the Flood Risk Assessment prepared by RM Associates Version 1 August 2021, it is considered that the proposals will be acceptable in flood risk terms and will meet the requirements of Policy 4.

### **CONCLUSION:**

The proposals:

- comply with the requirements of Policy 22 of the South East Lincolnshire Local Plan 2011-2036;
- will not harm the character or appearance of the area;
- will not harm neighbours' amenity;
- subject to a condition, will not prejudice highway safety;
- include adequate parking provision;
- subject to a condition, will minimise the use of water;
- will provide an overall net gain in biodiversity; and
- subject to a condition, will be acceptable in flood risk terms.

However, the proposals have not demonstrated that the loss of approximately 0.4 hectares of Grade 1 agricultural land will not have harmful economic or other impacts, and therefore do not meet the requirements of Strategic Priority 9 and Policy 1 of the South East Lincolnshire Local Plan 2011-2036 and paragraphs 8 and 174 of the National Planning Policy Framework 2021.

### **RECOMMENDATION:**

REFUSE Planning Permission for the following reason:

<b>CONDITIONS / REASONS</b>	
Pre-commencement conditions?	Agreed with applicant/agent - Date:
1	The application has not demonstrated that the loss of approximately 0.4 hectares of Grade 1 of the best and most versatile (BMV) agricultural land will not have harmful economic or other adverse impacts. As a consequence, the proposals are contrary to the provisions of Strategic Priority 9 and Policy 1 of the South East Lincolnshire Local Plan 2011-2036 and paragraphs 8 and 174 of the National Planning Policy Framework 2021.
	<p>Informative Note: The application has been duly considered and determined on the basis of the following plans and other information:</p> <ul style="list-style-type: none"> <li>• Drawing No. 1408-2_PL_LP01: Location Plan;</li> <li>• Drawing No. 1408-2_PL_SP02: Proposed Site Plan;</li> <li>• Drawing No. 1408-2_PL_GA02: Proposed Dwelling Plans and Elevations;</li> <li>• Drawing No. 1408-2_PL_DD01: 1.2m High Post &amp; Rail Fence;</li> <li>• Covering letter ref. 1408 2 LMS SNL; and</li> <li>• Flood Risk Assessment prepared by RM Associates Version 1 August 2021.</li> </ul>