



Planning Statement

Patterdale Farm Cut End Road Fishtoft Lincolnshire
PE22 0QZ

Erection of a 3-bedroom detached replacement chalet bungalow with associated parking, amenity space and landscaping.

Mr. B. Wisbey
18 March 2022

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1.0 Introduction

1.1 This Planning Statement has been prepared on behalf of Mr. B Wisbey in support of this planning application for the replacement of the fire damaged bungalow at Patterdale Farm Cut End Road Fishtoft PE22 0QZ with a 3 bed chalet bungalow with associated car parking, amenity space and landscaping .

1.2 In addition to the application form and certificates the following documents are submitted;

Application plans:

- Drawing No. 220212 – 001 (Location Plan)
- Drawing No. 220212 - 002 (Existing Floor Plans)
- Drawing No. 220212 - 003 (Proposed Floor Plans)
- Drawing No. 220212 – 004 (Proposed Elevations)
- Planning Statement

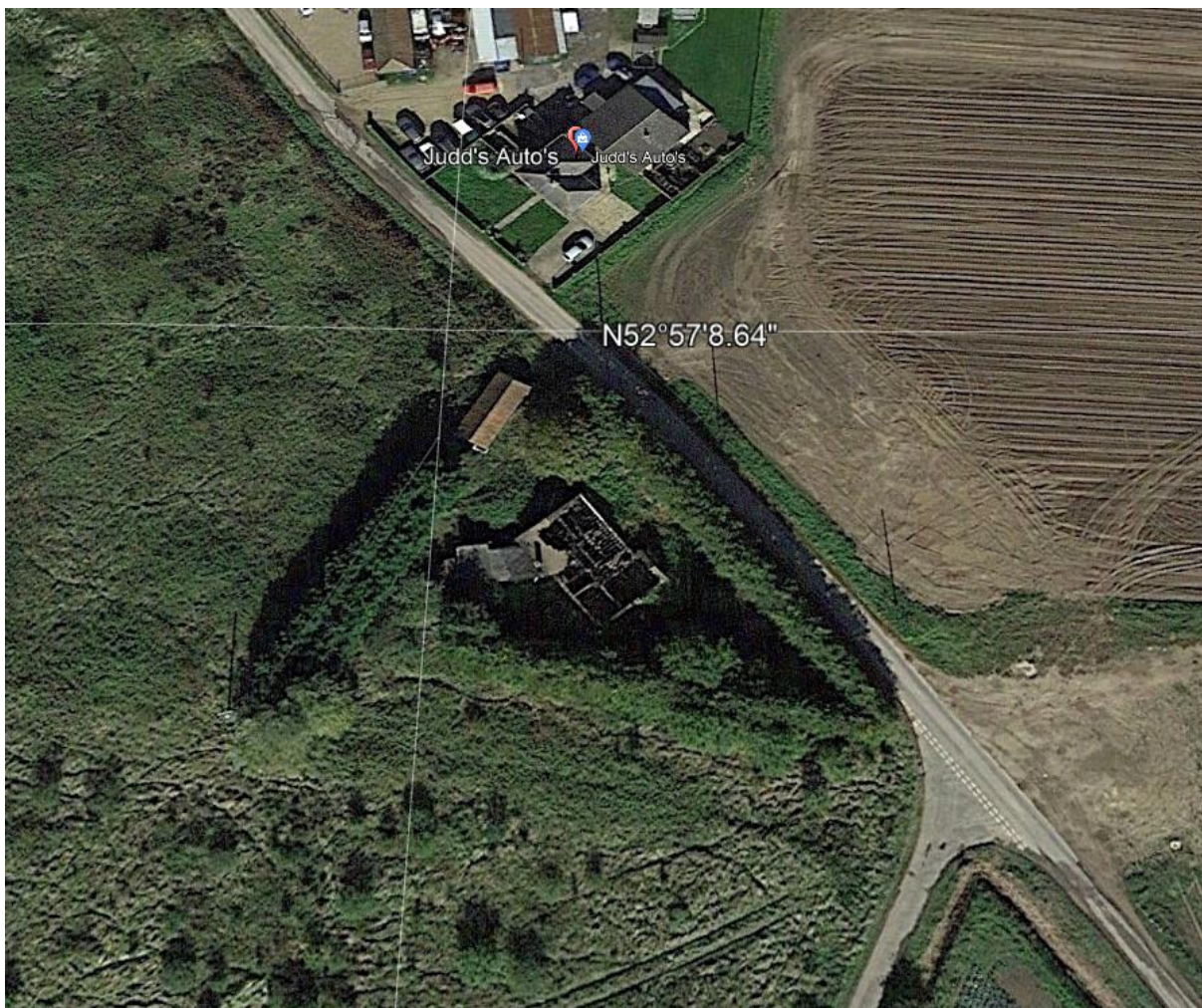
2.0 Site and Surrounding

2.1 The application site is located on the southern side of Cut End Road immediately on its junction with Woad Lane and almost immediately opposite Judd's Auto's. It is approximately 1.3km outside the boundary of Fishtoft Village and 150m south of where Cut End Road crosses Hobhole Drain. The property comprises a 3 bed bungalow with garden room link to a single garage. A further garage front the road. The dwelling sits within a small residential curtilage screened from Cut End Road by high mature hedges. The site is access from the road by a five bar field gate attached to a double length garage. To the NW of the dwelling is a 4.5 field with detached barn at its northern end. Whilst to the south is a further 5 acre field – making some 10 acres in total.

2.2 Our client acquired the site in 2011 and was tenanted for a short period but then became vacant although full council tax remained being paid on it. Due to our clients ill heath the site was not visited on a regular basis although there was no intention to abandon its residential use. The property was advertised for rental at its location near Boston in Farmers Weekly for 3 months (12 issues – with replies to a PO box number) and no interest was received. This was in 2013. It is understood, from Fire Brigade records, that the site was vandalised and set on fire **in September 2017** but our client was not informed and only became aware of the fire when he visited the property in SEPTEMBER 2018. It was at that stage he discovered the fire damage which had completely destroyed the

main roof although all the external walls and link to the garage remained in place. Our client confirms that he has continued to pay Council Tax rates on the building until September 2018 and had no intention to abandon the residential use and to re-instate the building.

2.3 However our client's health has not improved and consequently he placed the 'damaged property' on the market with Bruce Mather Estate Agents in December 2018 (The sales details are attached for information) and was initially offered for sale as a property subject to an Agricultural Occupancy Condition (AOC) at £325 000 with 10 acres - but due to a lack of interest was subsequently reduced to £275000 in October 2019. The agent has confirmed in writing in September 2021 that the property had been marketed for over 3 years and that there had been no viable interest, even from local farmers and/or farm workers. (Bruce Mather's copy letter is attached). It is now almost 4 yrs and considered that the only viable option would be a replacement dwelling without an AOC.



2.4 The proposal seeks to replace the existing fire damaged bungalow with a new chalet bungalow with the same footprint. The existing link to the garage will be

retained as a garden room and the garage will be converted to a guest room. The existing boundary screening will be retained and can be subject of a condition.

3.0 Planning Policy Context

Development Plan Policy

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that, when making a determination under the Planning Acts, the determination shall be made in accordance with the Development Plan unless material considerations indicate otherwise. Article 35 of The Town and Country Planning (Development Management Procedure) (England) Order 2015, requires that, when issuing a decision, councils must also include a statement explaining, whether, and if so how, in dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with a planning application. The NPPF sets out the government's planning policies for England and how they are expected to be applied. It emphasises that planning applications that accord with the policies in the Council's Local Plan will be approved without delay, unless material considerations indicate otherwise.

National Planning Policy

3.2 National planning policy is enshrined within the revised National Planning Policy Framework (NPPF) issued in July 2021 and its accompanying revised the Planning Policy Guidance (PPG). The PPG seeks to set out how to implement the strategic vision contained within the NPPF.

3.3 With regards to decision-taking, the revised NPPF advises that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development and should look for solutions rather than problems. Decision-takers at every level should seek to approve applications for sustainable development where possible. It is acknowledged that the decision was made on the basis of the February 2019 version of the NPPF but the revisions relating to Section 13 are minor in nature with just the paragraph number being changed.

3.4 Paragraph 7 of the NPPF states that, "the purpose of the planning system is to contribute to the achievement of sustainable development". It goes on at paragraph 8, that there are three dimensions of sustainable development as: economic, social and environmental. Paragraph 10 of the NPPF states that a

“presumption in favour of sustainable development’ which is at the heart of the Framework to ensure that sustainable development is pursued in a positive way. Paragraph 11 which states that there is a ‘**presumption in favour of sustainable development**’. Para.12 goes on that the presumption in favour of sustainable development does not change the status of the development plan and states that where a development that is contrary to an up to date development plan that permission should not be granted.

3.5 Paragraph 60 of the NPPF states that it aims to support the government’s objective to significantly boost the supply of homes and that land is developed without unnecessary delay. It reinforces the principle that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 71 emphasises the need to make the use of windfall sites as they provide a reliable source of supply. It is accepted that the Council has a full 5 yrs supply of housing land and is meeting its Housing Delivery Test targets.

3.6 As the application site lies within a rural area Paragraphs 78 - 80 will apply. Paragraph 80 states planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- (a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- (b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
- (c) the development would re-use redundant or disused buildings and enhance its immediate setting;
- (d) the development would involve the subdivision of an existing residential building; or
- (e) the design is of exceptional quality, in that it:

3.7 We Are satisfied that Ground c) would be relevant in this case as the dwelling exists and will be redeveloped in order to enhance the site and its setting.

3.8 Section 119 of the revised NPPF (July 2021) encourages the effective use of land and Paragraph 120 (c & d) encourage the use of sites that have been

previously developed (brownfield land) and the development of underutilised land. It says that planning authorities should plan for a mix of housing reflecting local demand.

3.9 Paragraph 126 says that the Government attaches great importance to the creation of high quality beautiful and sustainable buildings and that good design is a key aspect of sustainable development, which creates better places in which to live and work. Quality of design is indivisible from good planning, and should contribute positively to making places better for people. The Council does not have any design guides or codes as a supplementary planning document. Paragraph 130 states that planning policies and decisions should ensure that developments:-

- 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.
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- Are sympathetic to local character and history Including surrounding built environment and landscaped setting.
- Establish a strong sense of place, using streetscapes and buildings to create attractive, welcoming and distinctive places to live, work and visit.
- Optimise the potential of the site.
- Create places that are safe, which promote health and wellbeing with a high standard of amenity for existing and future users.

3.10 Paragraphs 131 states that trees make a contribution to the character and quality of urban environment and we are content that the site is predominantly urban in nature. We would therefore confirm that the tree and hedges to all the boundaries will be retained and enhanced where necessary.

3.11 Paragraph 134 has been altered to reflect that developments that are not well designed should be refused where it fails to reflect local design policies and government guidance. These should lead to an improvement of the character and quality of the area and how it functions.

Local Development Plan

South East Lincoln Local Plan (March 2019)

3.12 This shows the site being within a countryside area. The following policies have been taken into consideration in the formulation of this statement:

- 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 36 - Vehicle & Cycle Parking

4.0 Principle of Development

4.1 The NPPF sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would indicate development should be restricted.

4.2 Paragraph 80 of the NPPF states that housing applications in the countryside should be resisted if it creates an isolated dwelling unless it would re-use redundant or disused buildings and enhance its immediate setting; We are satisfied that the site is clearly 'previously developed land' and although significantly damaged by fire there was never any intention to abandon the residential use in that the applicant continued to pay the Ctax demands on the property.. The NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land) – Paragraph 119. The proposal would be consistent with Local Plan Policy 22 in that the remaining walls are structurally sound, although the roof has been destroyed and is of a permanent nature. The proposed replacement dwelling would site on the same site with same footprint and would result in the improvement of the character and appearance of the site and area generally. Although first floor accommodation is proposed this would not result in a disproportionate increase in the floor area and would be less than a 40% increase.

4.4 We are therefore satisfied that the proposal would comply with the NPPF and Local Plan policy 22. It is acknowledged that the Council may remove its permitted development rights to control further development.

4.5 It is central government policy to encourage redevelopment on previously developed residential land in rural areas provided that it is designed to complement the character of surrounding developments. We are satisfied the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

4.6 In considering this application, we regard the main planning considerations as being:

a) Is the proposal inappropriate development or do any 'very special circumstances' exist to justify the development in terms of exemption to Policy 22 – development in the countryside.

b) Would it adversely impact on the countryside or result in an improvement in the setting.

c) Is the proposal in keeping and character of the area.

Inappropriate Development in the Countryside

4.6 It is accepted that the application site is not located within a designated settlement boundary; however, it is a previously developed site that was in residential use. It is accepted that the owner is not active locally and is an 'absent landlord' but was never immediately advised that his building had been damaged by fire. However since being advised he has sought to market the property and has never sought to abandon its use. Whilst the building has become 'semi-derelict' its walls are still structurally sound and technically the building could be re-instated. However the application seeks to replace the original with a building of the same footprint but with rooms within the roof space. We are satisfied that it meets the criteria of Policy 22 of the adopted Local Plan. It is a previously developed brownfield site whose development could only be considered to benefit the visual amenities of the area.

4.7 It is our contention that the circumstances of the location and authorised use of the land justifies the development even though it makes no contribution to the Council's housing need.

Impact on the countryside

4.8 The use and structure still persist and, in its present state, can only be considered to have a negative impact on the visual amenity of the area. Policy 22 would support the proposal in it would have beneficial impacts in terms of improving the character and appearance of the site and locality.

4.9 Whilst it is accepted that openness is an essential characteristic of the countryside and, as set out in paragraph 137 of the Framework, the fundamental aim is to keeping land permanently open. It is our view that the existing development on the site is well integrated into its existing rural location and the replacement of dwelling could be controlled in terms of scale, design and access by condition to ensure that it leads to an enhancement of its immediate surroundings. It is not intended to create a large dwelling which would have a greater impact on the character of the area but to replicate the original dwelling on the same footprint. The replacement would not exceed the floor area of the original by more than 40%, and will use the same palette of materials. The design would be sympathetic to the site itself, the surrounding area and the character of the wider environment..

Character, Appearance and Space Standards

4.10 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Paragraph 126 of the NPPF refers to the need to secure a high-quality design and Paragraph 130 states that new development should integrate with the existing built development. The character of the area is defined by it scattered rural dwelling of varying age and design. The proposal would therefore be totally in keeping and character of the area and be an ideal replacement of this previously developed land.

4.11 It is our contention that the proposal is visually attractive. It will integrate well with the surrounding area and will not be detrimental to the current street scene. This is in accordance with policy in the NPPF and Policy22 of the adopted Local Plan Core. The design policies of the Council's Local Plan set out a number of criteria for the design of new development and state that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas.

4.12 Policy 22 seeks to ensure that new development is visually attractive and locally distinctive. Whilst the development proposed would not alter the character and appearance of the site, the new dwelling would not appear incongruous given the pattern and varied styles of development in its immediate vicinity. The roof height would be slightly higher than the original but set well back from the road frontage of the site and centrally located with all of the existing mature landscaping and trees along the boundaries retained, mitigating any visual impact.

4.13 The new dwelling would not have a prominent or overbearing appearance and would blend in with its surroundings. Therefore, there would be no harmful effect on the character and appearance of the surrounding area and the development proposed would not be contrary to Policy 22 which seeks to new development is visually attractive and is in keeping with the character and appearance of its surroundings.

4.14 The layout of the new dwelling is spacious, set within the site and meets the Council's space standards along with the nationally described space standards (March 2015). The new development will have a private amenity area and garden space around the building.

Parking and Access

4.15 The proposal makes provision for off-street parking for 3 individual parking spaces for the new residential unit and turning area within the site. The proposal will utilise the existing access onto Cut End Road. We are satisfied that the provision of three spaces for the proposal would be in accordance with the guidelines set out in the Council's Vehicle Parking Standards. The parking and turning area is arranged around a hardstanding which would allow for manoeuvring within the site to allow forward entry and exit. It is our contention that it is unlikely that there will be any conflict with vehicles or pedestrians on Cut End Road and we are satisfied that it would not raise any highway safety issues.

Ecology and Biodiversity

4.17 The application site is located in a rural area and has always been used as residential garden separate from the adjoining 10 acres of agricultural land. As such the site offers little habitat for protected species although hedgehogs, foxes and rabbits may be found in the boundary trees and hedge and this will be retained. It is anticipate that other riparian mammals will be found in the margins close to the Hobhole drain. It is intended that biodiversity and ecological

enhancements will be implemented subject to permission being granted and can be subject of condition.

5.0 Conclusion

5.1 The applicants have taken on board all the Council's and National policies to provide a sustainable solution to the need to provide a workable scheme for the rebuilding/replacement of the original dwelling. We are satisfied that the prospective layout and design is in keeping with the good design principles outlined in the NPPF and would not be out of character with the area. It would not have any adverse impact on the openness of the countryside or the reasons for designating as such.

5.2 We are satisfied that the proposal would have no detrimental effect on the residential amenities of its neighbours or visual amenity of area. It is a site that fulfils the requirements of the NPPF as a 'very special circumstance' and is not considered to be contrary to Council Policy for the protection of the countryside. It is our view that the application should be supported and planning permission granted,

James Barron BA(Hons) DipTP MRTPI
Planning Director