

BOSTON BOROUGH COUNCIL

Planning Committee – 27th April 2021

Reference No: B/21/0091

Expiry Date: 05-May-2021

Extension of Time:

Application Type: Full Planning Permission

Proposal: Proposed change of use of existing agricultural building to residential dwelling

Site: Red House Farm, Langrick Road, Brothertoft, Boston, PE20 3SW

Applicant: H Robinson & Son, C/O Origin Design Studio

Agent: Mr Robert Cole, Origin Design Studio Ltd

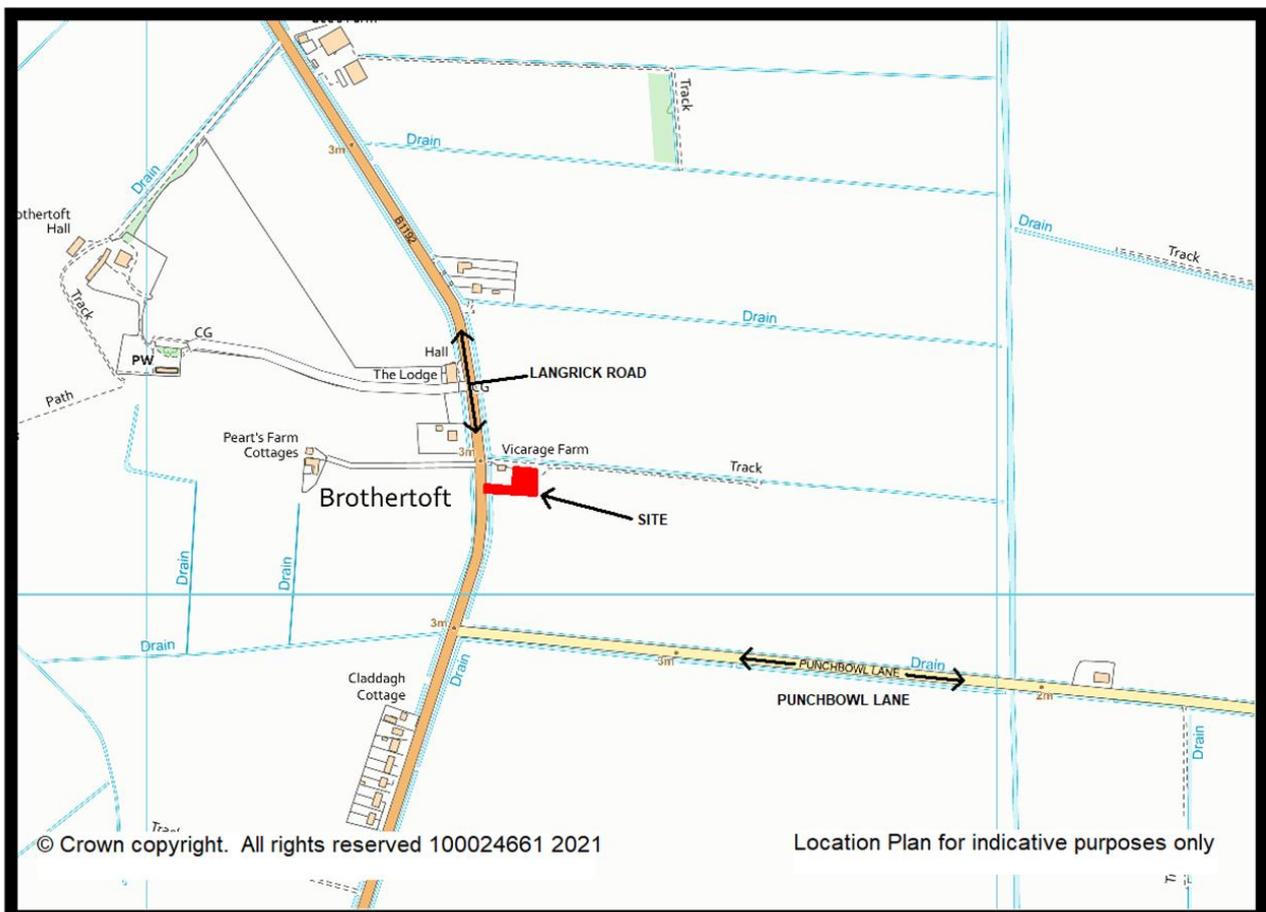
Ward: Swineshead and Holland Fen

Parish: Brothertoft Parish Council

Case Officer: Grant Fixter

Third Party Reps: 0

Recommendation: REFUSE



1.0 Reason for Report

- 1.1 This application is presented to the Planning Committee at the request of Councillor Cornah who considers that since the withdrawal of the previous submission, the issues of flooding and the structural condition of the application building have been addressed. Further, he identifies that the proposal is in keeping with the area, does not constitute back-land development and states that the Parish Council and a number of local residents have no concerns.

2.0 Application Site and Proposal

- 2.1 The application site comprises a parcel of land to the east of Main Road, Brothertoft and as per the South East Lincolnshire Local Plan, the site is within the countryside.
- 2.2 The site hosts an agricultural building which is the subject of this application. The agricultural building has reduced in size over the years, in addition to large parts of the elevations and roofing now missing.
- 2.3 The application site is bound by an existing agricultural access to the north, an agricultural field to the east and south and a dwelling to the west, beyond which is Main Road. The wider character of the area is agricultural and residential development is primarily characterised by sporadic frontage development – predominantly single dwellings, or small clusters/pockets of properties.
- 2.4 This proposal is for the change of use, extension and alteration of an existing agricultural building to form a residential dwelling. The existing building measures approximately 2.37m to the eaves and 4.84m to the ridge and comprises a red brick build. From what remains of the building, the western wing comprises three storage rooms, measuring approximately 15.10m x 5.29m, equating to a floor space of approximately 79.88m².
- 2.5 The northern section of the build has suffered significant damage, with extensive amounts of brick work, roofing and elevations missing and is essentially open, however, from the plans this space is approximately 10.2m x 6.75m, equating to 68.96m². The Existing Site Plan shows this area to be used for storage, however, when attending site it was not being used for storage and instead it was covered with what appears to be bits of brickwork and roofing which previously stood.
- 2.6 From the existing floor plan, albeit the northern extent is open, the combined existing floor space is approximately 148.84m². When considering the area of the existing building and partly enclosed courtyard, this increases to approximately 220.83m².
- 2.7 It is proposed to use as much of what remains of the building as possible, with the extension comprising cedar cladding. A new access would also be required to serve the proposal. Whilst the eaves height remains the same, at the tallest point of the

proposed extension the ridge will increase in height by approximately half a meter and measure 5.32m.

2.8 From the proposed floor plans, the proposed works will mean the building will measure 21.52m along the western elevation and 23.64m along the northern elevation. There will be a significant increase in floor space to 290.12m², and when considering the build and enclosed courtyard, this increases to approximately 511.57m².

2.9 Of the reports submitted with this application, particular regard should be given to the Structural Inspection.

3.0 Relevant History

3.1 B/20/0514 – Proposed change of use of existing agricultural building to residential dwelling – Withdrawn on 09/02/2021.

3.2 The above submission was withdrawn following discussions between the agent and the officer as there were significant concerns around the scheme. These included:

- The principle of development and the failure to comply with the Spatial Strategy of the SELLP;
- The form of development would be out of keeping with the character of the area and form backland development in the countryside;
- Would be an over-intensification of the site;
- Could not see how the scheme can be appropriately landscaped to protect amenity of the existing dwelling and also respect the character of the area;
- No Structural Survey was submitted and given the condition of the building this was of great concern;
- Proposal would not comply with Policy 23 of the SELLP;
- Environment Agency objected on flood risk grounds.

3.3 Prior to withdrawing the application, there were substantial discussions between the agent and officer as to how they should proceed, with a Part Q scheme being mentioned (agricultural building to residential dwelling) and whether the fall-back position could be considered as a material planning consideration as part of the original submission to help establish the principle of development. The fall-back position is covered and explained later in this report. The officer was of the view that based on the submission before them and the condition of the building, the fall-back position would not be accepted and the principle of development, therefore, remained unacceptable.

4.0 Relevant Policy

South East Lincolnshire Local Plan

4.1 As per the South East Lincolnshire Local Plan (2011-2036) (SELLP), the site is located outside of any recognised settlement boundary and is deemed to be within the countryside.

4.2 The following policies will be relevant to the determination of this application.

Policy 1 – Spatial Strategy

This policy seeks to focus new development into existing settlements, in particular those with a significant service base. It sets out a settlement hierarchy, and identifies the types of developments that will be appropriate in each tier of the hierarchy, and in the countryside.

Part (d) of Policy 1 of the SELLP will be specifically relevant to this proposal. It states:

D. Countryside

“The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside development will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits”.

Policy 2: Development Management

Policy 3: Design of New Development

Policy 4: Approach to Flood Risk

Policy 10: Meeting Assessed Housing Requirements

Policy 17: Providing a Mix of Housing

Policy 23: The Reuse of Buildings in the Countryside for Residential Use

This policy seeks to ensure that only appropriate buildings in the countryside are re-used for residential purposes, outlining a number of criteria proposals must meet in order for development to be permitted:

- “1. the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding;*
- 2. the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention;*
- 3. the proposal is in keeping with its surroundings;*
- 4. the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction; and*
- 5. development leads to an enhancement of the immediate setting of the building.”*

Policy 28: The Natural Environment

Policy 30: Pollution

Policy 31: Climate Change and Renewable and Low Carbon Energy

Policy 36: Vehicle and Cycle Parking

National Planning Policy Framework

4.3 The following sections will be relevant in the determination of this application:

- Section 2: Achieving sustainable development;
- Section 4: Decision-making;
- Section 5: Delivering a sufficient supply of homes;
- 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;
- Section 15: Conserving and enhancing the natural environment.

4.4 Paragraph 79 of the NPPF is of particular reference which 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 dwelling;
or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

5.0 Representations

5.1 As a result of publicity no representations have been received.

6.0 Consultations

- 6.1 Black Sluice Internal Drainage Board – did not respond.
- 6.2 Holland Fen with Brothertoft Parish Council – have no objections.
- 6.3 Environmental Health – have no objections in principle and made the following comments:
- Full suite of contaminated land conditions should be attached so that we can be assured the land in question is suitable for residential end use or is brought up to a suitable standard;
 - Request that where gas fired boilers are to be installed they meet a minimum standard of 40mgNOx/kWh;
 - Request that an electric vehicle recharging point be provided.
- 6.4 Lincolnshire Wildlife Trust – made comments but not for the public record.
- 6.5 Lincolnshire County Council – have no objections.
- 6.6 Environment Agency – have no objections and request a condition is attached to any permission which ensures the mitigation measures identified in the FRA are implemented.

7.0 Planning Issues and Discussions

- 7.1 The key planning issues in the determination of this application are:
- Principle - Whether this development accords with the objectives of policies contained within the SELLP in particular policies 1 and 23;
 - Whether the fall-back position can be considered and afforded weight;
 - Flood risk and drainage;
 - Impact on highway safety;
 - Impact on the character of the area;
 - Impact on residential amenity.
- Principle - Whether this development accords with the objectives of policies contained within the SELLP in particular policies 1 and 23**
- 7.2 As indicated above, Policy 1 (d) of the SELLP supports certain types of development in the countryside where it is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. Compliance with Policy 1 can be achieved by satisfying either the first or second part of this policy. This policy provides the overall spatial hierarchy for the Plan, and influences the direction of other policies such as Policy 23.
- 7.3 Policy 23 of the SELLP is arguably the most relevant policy relating to the principle of this development, as it deals directly with The Reuse of Buildings in the Countryside for Residential Use. It supports the Reuse of Buildings in the Countryside for

Residential Use providing they meet a number of criteria – these have been set out earlier in this report.

- 7.4 In this instance, it is deemed appropriate to use Policy 23 as the starting point and assess the proposal against each criteria.

Criteria 1 – “the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding”

- 7.5 Unlike the first submission, this proposal is accompanied by a Structural Engineers Inspection. It is important to note this does not constitute a full structural survey and is solely visual observations from the engineer’s walkover survey.

- 7.6 Upon review of the submitted Structural Inspection, there are some concerns.

- 7.7 Firstly, the report states:

“It is observed that the stability and robustness of the roof has been proved as the roof has been in place for 130 years.”

Given that there is a large extent of the roof missing and part of it collapsed, the above claim is disputed, especially considering the report goes on to say:

“Repair to the northern gable wall will be required where this was damaged when the cart shed roof collapsed. It is observed that the collapse was due to the poor condition of the roof as a result of rot and infestation of the timbers and through no failure of the walls or foundations of the original building.”

- 7.8 From the above, the exact condition of the roof is disputed, especially as the report is slightly contradictory when discussing the roof. The report also references how the roof collapsed because of a storm in November 2020. Concerns, therefore, remain on the condition of the roof.

- 7.9 The report concludes:

“The external envelope of the building primarily is robust and, although some areas of reconstruction to the walls are necessary, and the roof to the cart shed must be reinstated, the building is suitable for conversion.”

- 7.10 Turning to the second part of criteria 1 which requires there to not be a need for significant extension, alteration and rebuilding of the subject building.

- 7.11 The existing building is shown on the Existing Floor Plans as comprising a single storey building, with 3 small storage rooms, an open storage area to the north where the brickwork and roofing has since collapsed.

- 7.12 The proposed building will see a significant extension and comprise a four bedroom dwelling. The measurements have been outlined in section 2.0 of this report, however, for clarity and direct consideration against criteria 1:

	Existing building	Proposed building	Difference
Rooms	Three storage rooms Open storage area Partly enclosed courtyard	Within the existing footprint: Office/ study Living room WC Pantry Extension and alteration: Kitchen/ dining room Bathroom Utility room Three bedrooms Garage/ workshop Larger enclosed courtyard.	
Eaves height	Approximately 2.37m	Approximately 2.37m	
Ridge height	Approximately 4.84m	Approximately 5.32m	Increase of 0.48m
Length of western wing	Approximately 15m	Approximately 15m	
Length of northern wing	Currently no brickwork to the northern elevation and used as an open storage space. Between the existing brickwork the measurement is approximately 10.2m.	Approximately 23.64m	Increase of 13.44m OR increase of 23.64m as there is no existing brickwork.
Length of eastern wing	0m	Approximately 15.08m	Increase of 15.08m
Internal floor space	Excluding northern open storage area: Approximately 79.88m ² Including: Approximately 148.84m ²	Approximately 290.12m ²	Increase of 210.24m ² (excluding open storage area) OR 141.28m ² (including)
Area of the build with	Approximately 220.83m ²	Approximately 511.57m ²	Increase of 290.74m ²

courtyard included			
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7.13 From assessing the current condition of the building, reviewing the proposed plans and from the above table, whilst the Structural Inspection states the building can be converted, the building will more than double in size. Add this to the need for new roofing and work on the existing brickwork it is abundantly clear that there is the need for significant extension, alteration and rebuilding works.

7.14 The proposal, therefore, in Officers view, is not “*capable of conversion without the need for significant extension, alteration or rebuilding*” and, therefore, fails to comply with criteria 1.

Criteria 2 – “the building is of architectural or historic merit or makes a positive contribution to the character of the landscape, to justify conversion to ensure retention”

7.15 The Structural Inspection makes reference to the former U shaped footprint of the building and that this was in place until 1976, from which point the eastern wing was no longer present. No further information on the history of the building was submitted.

7.16 The building is of no historic merit as it is neither a Listed Building, nor within a Conservation Area. There are, therefore, no historic grounds for its retention. It does however sit as an established feature within the surrounding landscape owing to its age.

7.17 As previously stated, the building is not in great condition and is in need of significant repair, extension and alteration in order for the building to properly function for its intended use. The building is, therefore, of no architectural merit and does not positively contribute to the character of the landscape to justify its retention. It is however acknowledged that the new building could be of better appearance than that existing owing to the condition of the existing building, albeit, this is also balanced by the increased prominence that would be likely as a result of the scale of the proposals.

7.18 The key consideration here is, should the building be demolished and no longer be present, will it be of detriment to the character of the landscape? The eastern wing of the building has not been in place since 1976, so for some 45 years it was not considered important for this part of the building to be reinstated. The building is neither listed, nor in a Conservation Area so is of no historic merit and there are no historic grounds or reasons which make the retention of the building imperative. Finally, significant repair works are needed with the roof collapsing and parts of the brickwork missing. The building is not in the best condition and does not add anything to the character of the area.

- 7.19 There are, therefore, no reasons for the buildings retention on both architectural and historic grounds and the buildings retention is not imperative to the character of the landscape.
- 7.20 The proposal, therefore, fails to comply with criteria 2.

Criteria 3 - the proposal is in keeping with its surroundings

- 7.21 The first consideration is the form of development. Residential development in the vicinity of the site is particularly sparse, however, primarily consists of frontage residential development. This proposal would lead to backland residential development situated immediately behind a two storey dwelling. This existing dwelling is reflective of the established pattern referred to. The new dwelling would be at odds with that spatial character, this weighs against the proposal.
- 7.22 Secondly, the proposal would require a brand new access off Langrick Road and will require significant extensions and alterations to the build itself. Both the new access by virtue of its siting and length and the build itself have the potential to further erode the character of the area and not be in keeping with its surroundings. The table created to assess the proposal against criteria 1 evidently shows the build will more than double in scale, meaning its prominence in the landscape and area would be significantly increased.
- 7.23 Finally, the extension will use timber cladding to the external walls, something which is not in keeping with the dwelling immediately adjacent to the site and those surrounding. So whilst it could be argued the cladding would benefit the design of the new dwelling, the officer would argue it is a further indicator that the development is out of character.
- 7.24 For the above reasons, it is argued the proposal does not comply with criteria 3.

Criteria 4 – “the design is sympathetic to the character and appearance of the building in terms of architectural detailing and materials of construction”

- 7.25 This is an expansion of criteria 3 above. The proposal will make use of the existing brickwork and tiles where possible, however, as stated above the extension will comprise cedar cladding. Both the dwelling immediately adjacent to the application building and that on the western side of Langrick Road are of red brick construction.
- 7.26 There are concerns regarding the timber cladding element of the scheme.
- 7.27 Turning to the architectural detailing of the building, other than the timber cladding element of the scheme there are no further concerns on this front.
- 7.28 There are, therefore, points for and against the proposal in regards to criteria 4.

Criteria 5 – “development leads to an enhancement of the immediate setting of the building”

- 7.29 Given the current condition of the building you could argue that the proposal would enhance the immediate setting of the building. It is important to note, however, the enhancement is limited to that of the building and not the wider character of the area.
- 7.30 On the other hand, as previously outlined it could be argued that given the proposed works, appearance and scale of the new building there would be negative impacts on the immediate setting of the building.
- 7.31 On balance though, when considering the specific criteria, the proposal complies with criteria 5.
- 7.32 It is important to consider the planning balance. Should the proposal have complied with the majority of the criteria outlined, then a more favourable view may have been taken.
- 7.33 In this instance that is not the case. The criteria of this policy are put in place to ensure that only appropriate buildings are converted for residential use. Should these not be in place there would be a great risk of unacceptable development across the countryside. The proposal fails to comply with criteria 1, 2 and 3. There are points for and against the proposal in regards to criteria 4, whilst criteria 5 is met.
- 7.34 On the whole, the proposal fails to comply with policy 23 of the SELLP and as such, greater consideration needs to be given to policy 1 of the SELLP.
- 7.35 The first requirement of policy 1 (d) is that proposals must be 'necessary' to their location. A covering letter was submitted as part of this submission, however, the contents of this were confidential given some of the sensitivity of the information. Without going into detail, the justification was specific to personal circumstances, in addition to the running of the farm.
- 7.36 The first point to make is in regards to the running of the farm. Nowhere in the submission does it state the proposal is for an agricultural workers dwelling and such applications are normally supported by extensive reports and justifications which go over the agricultural holding, hours, responsibilities, why the dwelling is needed and financial information to assess whether the proposal is of a size commensurate to the need. This is required to demonstrate that there is a bona-fide reason for a dwelling. As no such information has been provided and nowhere does it state the proposal is for an agricultural dwelling, the proposal has been assessed as an open market dwelling. The proposal is, therefore, not necessary for the agricultural reasons outlined.
- 7.37 Whilst the personal circumstances are extremely unfortunate, they do not constitute a justification as to why the proposal is 'necessary' to its location.
- 7.38 The proposal is, therefore, not necessary to its location and fails to comply with the first part of policy 1 (d).

- 7.39 Turning to the second part of policy 1 (d), the proposal would need to provide economic, environmental or community benefits.
- 7.40 Whilst planting is proposed on site, the planting of 9 native trees and some native mixed hedging to the boundaries will not provide extensive environmental benefits. In regards to community benefits, the benefits of converting the building will be limited to the applicants and no further details on community benefits have been provided. Finally, the economic benefits would be extremely limited, as they would be restricted to the works needed to convert, extend and alter the building.
- 7.41 On balance, it is difficult to see and justify how this proposal provides any true environmental, community and economic benefits, yet it is fully appreciated the extent of benefits can be seen for and against the proposal.
- 7.42 On balance, it is, therefore, considered the proposal does not comply with Policy 1 of the SELLP.
- 7.43 Given that the proposal fails to comply with both Policy 23 and 1 of the SELLP, both of which relate to the principle of development for applications such as this, the principle of development is deemed not acceptable.
- 7.44 The National Planning Policy Framework (NPPF) is a material consideration within decision-making but does not fundamentally alter the plan-led approach to the consideration of application. Paragraph 79 of the NPPF states (bold my emphasis):
- “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 dwelling;*
or
 - e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*
- 7.45 From the above, point (c) is of most relevance to this application.
- 7.46 The application building currently comprises three storage rooms. So whilst the proposal would be making use of the existing build where possible, significant extensions and alterations are needed. Furthermore, it has been discussed in depth how it is argued the proposal would not enhance the buildings immediate setting. In

essence given the extent of alterations and extensions, the proposal is tantamount to the creation of a wholly new dwelling, which is in an unsustainable location. Although it is not isolated, for the reasons set out earlier in this report, the proposals run contrary to the spatial hierarchy as set out in the Local Plan.

- 7.47 Whilst the NPPF is of course a material planning consideration, an up to date Development Plan is always the starting point. The reason policies such as Policy 23 are included in the SELLP are so they work in unison with the NPPF, where the re-use of buildings is promoted but ensuring that only appropriate buildings are re-used and the impacts are managed. Should there be no policies such as Policy 23, there would be an abundance of unsuitable and unacceptable conversions in the countryside.
- 7.48 The Councils Local Plan was adopted after the introduction of the NPPF, and there are relevant policies which relate to this development contained within the Local Plan. Furthermore, the Council can demonstrate a 5-year housing land supply, and thus, taken together there are no reasons why full weight cannot be applied to the policies of the Development Plan. When considering the requirements set out in the Development Plan and NPPF, there are insufficient material considerations to justify going against the clear and evident conflict with the Development Plan.

Whether the fall-back position can be considered

- 7.49 As stated earlier in the report, during the last submission the agent referred to the fall-back question and whether this would be accepted as an argument to solidify the principle of development argument. To provide clarity to members and in anticipation of the Part Q/ fall-back position route being mentioned, below is some context on the fall-back position.
- 7.50 Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 outlines when agricultural buildings can be converted to dwellings as permitted development.
- 7.51 There is a well-known appeal '*Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314*' in which the fall-back position was clearly defined.
- 7.52 In essence this is often used by people seeking permission where they can get permitted development approval through Class Q for a barn to a dwelling and use the argument that establishes the principle of development on site. They will then turn and indicate why a scheme for a dwelling on the site which falls outside of permitted development would achieve a better design than that which is approved through the Class Q permitted development approval.
- 7.53 It was established that in order for the fall-back position to be considered, there has to be a reasonable prospect that a Class Q approval could be gained. The prospect of a Part Q approval is a matter for the decision-makers judgement. Similarly the weight attributed to any fallback in the planning balance is a matter for the decision-maker.
- 7.54 When looking at the application building this proposal relates too, it is extremely unclear as to whether a Class Q approval would be achieved. Firstly, what could

potentially be achieved through Class Q would be of less impact than what is proposed with this submission. The existing footprint of the building is considerably smaller than what is proposed, so in terms of scale, the proposed is much bigger and hard to use the fall-back in this respect. There is also no existing Class Q approval in place, further weighing against this argument.

- 7.55 The main consideration is the condition of the building, with Paragraph: 105 Reference ID: 13-105-20180615 of the PPG stating (bold is my emphasis):

“However, the right assumes that the agricultural building is capable of functioning as a dwelling. The right permits building operations which are reasonably necessary to convert the building, which may include those which would affect the external appearance of the building and would otherwise require planning permission. This includes the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwelling house; and partial demolition to the extent reasonably necessary to carry out these building operations. It is not the intention of the permitted development right to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. Therefore it is only where the existing building is already suitable for conversion to residential use that the building would be considered to have the permitted development right.”

- 7.56 As it stands, the building is not capable of functioning as a dwelling, and given the current state of the building it is likely that the works needed would go beyond those reasonably necessary, resulting in the conclusion that the building is not already suitable for conversion. For those reasons, it would be extremely unlikely prior approval would be granted through Class Q and when considering this and the other reasons outlined, no weight can be given to the fallback position. Therefore no weight is attributed to the potential fallback in this instance.

Flood risk and drainage

- 7.57 Policy 4 of the SELLP state a proposed development within an area of flood risk (Flood Zones 2 and 3) will be permitted where it can be demonstrated that there are no other sites available at a lower risk of flooding, the proposed works are essential infrastructure, and appropriate flood mitigation measures have been put in place. Development within all flood zones (and development larger than 1 hectare in Flood Zone 1) will need to demonstrate that surface water from the development can be managed whilst not increasing the risk of flooding to third parties.
- 7.58 The application site is within Flood Zone 3 and is accompanied by a Flood Risk Assessment. The Hazard Mapping shows the site to have flood levels between 0.5-1m with a hazard rating of Danger for Most. The FRA states that whilst the site is within Flood Zone 3 and would be changing to ‘more vulnerable’ use and such developments need to be satisfy the sequential and exception test, as the proposal relates to conversion, a sequential test is not needed in this instance.

7.59 In regards to the absence of a sequential test, whilst the proposal relates to conversion, it has been demonstrated that the conversion of the building does not comply with policy, in particular Policy 23. Should the proposal have complied with all the criteria then we would agree with the stance set out in the FRA regarding no sequential test being needed, however, as the proposal is not policy compliant, insufficient information has been provided to show how the sequential test is not needed or indeed passed.

7.60 The next consideration is the exception test which is outlined in Paragraph 160 of the NPPF and to pass the exception test it should be demonstrated that:

*“(a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
(b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.”*

7.61 Paragraph 161 of the NPPF states:

“Both elements of the exception test should be satisfied for development to be allocated or permitted.”

7.62 Whilst it has been proved the proposal does not comply with part (a), as it is proposed the finished floor level will be raised by 0.8m above existing ground level and the EA have confirmed this is acceptable. The proposal, therefore, satisfies part (b) of the exception test.

7.63 From the above, we are of the view that insufficient information has been provided to show the sequential test has been passed as the principle of the conversion has been deemed unacceptable, and the proposal only complies with part of the exception test. This weighs against the proposal.

7.64 Regarding drainage, from the Proposed Site Plan shows connection to a package treatment plan outside the red line and a surface water manhole which has an outlet to the riparian drain to the north.

Impact on highway safety

7.65 Policy 36: Appendix 6 of the SELLP relates to parking standards. It requires 2 spaces for dwellings with up to 3 bedrooms and 3 spaces for dwellings with 4 or more bedrooms. It also requires 1 cycle space within each residential plot.

7.66 The plans show the dwelling will be no more than 3 bedrooms, meaning 2 parking spaces will be needed per dwelling to comply with the parking requirements outlined in Policy 36: Appendix 6. The proposed site plan shows how two spaces per dwelling can be accommodated on site. It is also shown on the plans how turning can be accommodated within the site to ensure vehicles can both enter and leave the site in a forward gear.

- 7.67 A new access will be needed off Langrick Road, with Lincolnshire County Council confirming they have no issues with the proposed access in terms of highway safety.
- 7.68 As the parking provision on site would be policy compliant and Highways have no issues with the proposed access, the proposal is deemed acceptable on parking and highway safety grounds.

Impact on the character of the area

- 7.69 Policy 2 of the SELLP states that proposals requiring planning permission will be permitted provided that sustainable development considerations are met. These include size, scale, layout, density and impact on the amenity, trees, character and appearance of the area as well as the quality of its design and orientation.
- 7.70 Policy 3 of the SELLP states 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.
- 7.71 This section of the report is an extension on matters already considered and outlined above, specifically dealing with these policies.
- 7.72 As previously stated, the building is in poor condition which parts of the elevation and roofing missing. Furthermore, the eastern wing which formed part of the former footprint has not been in place for some 45 years.
- 7.73 When assessing the impact on the character of the area for this proposal, there are two ways of approaching this. Firstly, the appearance of development and secondly, the form of development.
- 7.74 Starting with the appearance of the development, on the one hand there is the argument the proposal will re-introduce a similar footprint to what was present some 45 years ago. Furthermore, it could be argued that given the appearance of the building, any works would actually enhance its appearance. Obviously, this cannot be the sole consideration else there would be an abundance of buildings not suitable for residential use being converted.
- 7.75 That being said, there are concerns regarding the cladding aspect of the build and how this is not in keeping with the red brick builds immediately adjacent to the site and immediately on the opposite side of Langrick Road. This will be particularly noticeable when travelling south along Langrick Road, as the north elevation is to be significantly extended and will extensively comprise cladding. Furthermore, the need for a new access will further exacerbate the development on site in regards to the wide, open, rural nature of the site. Whilst efforts have been made, it is hard to see how a dwelling in this location would assimilate effectively into the rural nature of the area, especially given the building is more than doubling in size.
- 7.76 Turning to the form of development, granting approval would lead to backland residential development in the countryside, something which should be avoided and weighs against the proposal. Residential development in the vicinity of the site is

primarily sporadic frontage development, something which this proposal is not. Furthermore, given the close proximity between the adjacent dwelling and the application building, a further residential use on site will also lead to an over-intensification of the site. This will be further evident by the apparent domestication that will occur as a result of typical residential use of the site.

- 7.77 It is completely appreciated this is a very balanced approach, however, in this instance when taking everything into account, the scale of the build, the proposed materials, the need for a new access and how this will lead to backland residential development in the countryside, it is deemed the proposal will have an unacceptable impact on the character of the area.

Impact on residential amenity

- 7.78 SELLP Policy 2 and 3 seek to ensure that a new development does not significantly impact neighbouring land uses by reason of noise, odour, disturbance or visual intrusion.
- 7.79 Policy 30 of the SELLP states development will not be permitted where there would be unacceptable impacts on the amenities of the area, health and safety of the public and the natural, historic and built environment.
- 7.80 When considering amenity, it is important to assess both neighbouring amenity and future occupier's amenity.
- 7.81 Firstly, the amenity of the future occupiers is to be considered. From the proposed plans there is ample private amenity space and albeit there is a two storey dwelling immediately adjacent, the scheme has been designed in a way which helps protect amenity.
- 7.82 Turning to the amenity of the adjacent dwelling, the proposal has no fenestration on the western elevation which avoids the chance of a loss of privacy via eliminating the chance of uninterrupted views into windows serving habitable rooms. The vehicle movements generated from one dwelling will also not lead to a loss of amenity. The only concern around amenity is that as the red line is right up against the red line, no appropriate boundary treatments can be proposed between the two buildings.
- 7.83 Whilst there are concerns regarding amenity in relation to Policy 30 of the SELLP, on balance it is argued the proposal complies with Policies 2 and 3 in respect of amenity.

Planning balance

- 7.84 With applications such as this, it is imperative to consider the planning balance as there are factors both for and against the application.
- 7.85 Firstly, there are no concerns on flood risk grounds, as the FRA accompanying the application outlines how the proposal can be safe from flooding, with the EA not objecting subject to a condition securing mitigation measures. There are also no concerns on parking and highway safety grounds, as policy compliant scheme can be

delivered in respect of parking and Highways have no objections. It has also been deemed that on balance, the proposal will not be detrimental on amenity grounds.

- 7.86 Turning to points against the proposal, the first is the character of the area. Whilst it could be argued the redevelopment of the building will enhance its appearance, the proposal involves a significant extension (more than double of that existing) to a building in poor condition. The need for a new access will further exacerbate the development and further detract from the character of the area. There are concerns regarding the proposed use of cladding and this will be particularly noticeable on the north elevation which is clear to see when travelling south along Langrick Road. Finally, the conversion to a dwelling would lead to backland residential development which is not common in the area. Such a change of use would also lead to an over-intensification of the site.
- 7.87 Insufficient information has been submitted to demonstrate the proposal passes the sequential and exception test on flood risk grounds, which weighs against the proposal.
- 7.88 The Structural Inspection accompanying the submission is of concern as it is contradictory when discussing the condition of a roof. The report states:
- “It is observed that the stability and robustness of the roof has been proved as the roof has been in place for 130 years.”*
- 7.89 The report then goes on to say the roof collapsed due to its poor condition as a result of rot and infestation, in addition to collapsing in November 2020 as a result of a storm. Considering this and the visual condition of the roof, it is hard to see how the roof has proved its stability and robustness.
- 7.90 The principle of development has to be acceptable and for applications such as this the starting point is Policy 23 of the SELLP. It has been clearly demonstrated the proposal fails to comply with parts 1-3 of the policy, a balanced view could be needed for part 4, whilst part 5 is the only part of the policy the proposal complies with. On the whole and on balance, the proposal does not comply with Policy 23 of the SELLP.
- 7.91 It was then established that the proposal would also fail to comply with Policy 1 of the SELLP, as it was not necessary to its location and there would be no significant community, environmental or economic benefits relating to the sustainable development needs of the area.
- 7.92 Failure to comply with Policies 1 and 23 of the SELLP mean the principle of development is not acceptable.
- 7.93 Whilst the paragraph 79 of the NPPF relates to rural housing, it has been clearly demonstrated there are insufficient material considerations to justify going against the clear and evident conflict with the Development Plan. Policy 23 is in place to work in unison with the NPPF and ensure only appropriate sites and buildings are developed.

- 7.94 Finally, it was confirmed the fall-back position would not be applicable in this application and cannot be given any weight.
- 7.95 The proposal, therefore, does not comply with local and national policy and does not meet the sustainable development considerations. It is also worth noting as of the 31st March 2020, the Council could demonstrate a 5.2 year housing land supply, therefore, the policies can be given full weight when considering the proposal.

8.0 Summary and Conclusion

- 8.1 It is considered the proposal does not comply with Policy 23 of the SELLP, in addition to insufficient evidence demonstrating the proposal is necessary to its location or that it will meet the sustainable development needs in the area, in terms of economic, community and environmental benefit in accordance with Policy 1(d). Furthermore, it is considered the change of use of the building to form a dwelling would lead to an over-intensification of the site, constitute backland development and there are concerns regarding the proposed materials.
- 8.2 The proposal is, therefore, contrary to the objectives of Policies 1, 2, 3 and 23 of the SELLP.

9.0 Recommendation

- 9.1 It is recommended that Committee REFUSE this application for the following reasons:

Reason 1:

The application fails to demonstrate how the proposals would meet the requirements of policy 23 of the Local Plan. The application fails to fully establish whether the building is structurally sound, and capable of conversion without needing significant extension, alteration and rebuilding. There is no justification for its retention to positively contribute to the character of the landscape or in historic terms, and the resultant scheme is considered to be out of keeping with its surroundings by virtue of its siting, scale and proposed materials. The site is in an unsustainable, countryside location and there is no overriding or robust justification for an additional dwelling in this location where the criteria of policy 23 are not met. Therefore, the development would lead to an unacceptable and unsustainable conversion, within the countryside, contrary to the spatial objectives of the Local Plan, and contrary to the criteria set out in Policy 1 and 23 of the South East Lincolnshire Local Plan (2011-2036). The proposals would result in an unsustainable form of development, contrary to Sections 2 and 5 of the National Planning Policy Framework (2019).

Reason 2:

The proposed development by virtue of its siting, scale and materials, would detract from the character and appearance of the area, creating an over-intensive, prominent, and unsympathetic form of development, which would be contrary to the established spatial and visual characteristics of the area. As such, the proposal, therefore, fails to accord with Policies 2 and 3 of the South East Lincolnshire Local Plan (2011-2036) and Section 12 'Achieving Well-designed Places' of the National Planning Policy Framework (2019).

Reason 3:

Insufficient information has been provided to demonstrate how the sequential and exceptions tests relating to Flood Risk have been passed, as whilst the proposal is for the conversion of a building, the principle of said conversion has been proven to be unacceptable, whilst only part of the exception test has been satisfied. The proposal, therefore, fails to accord with Policy 2 (part 7), Policy 4 (part 1), and Policy 31 (part 2) of the South East Lincolnshire Local Plan (2011-2036) and Section 14 'Meeting the challenge of climate change, flooding and coastal change' of the National Planning Policy Framework (2019).