

BOSTON BOROUGH COUNCIL

Planning Committee – 18th September 2018

Reference No: B/18/0226

Expiry Date: 30-Jul-2018

Application Type: Outline Planning Permission
Proposal: Outline planning application to erect single dwelling house and paddock with details of access, with all other matters relating to appearance, landscaping, layout and scale reserved

Site: Leyland, 322A Willington Road, Kirton End, Boston, PE20 1NR

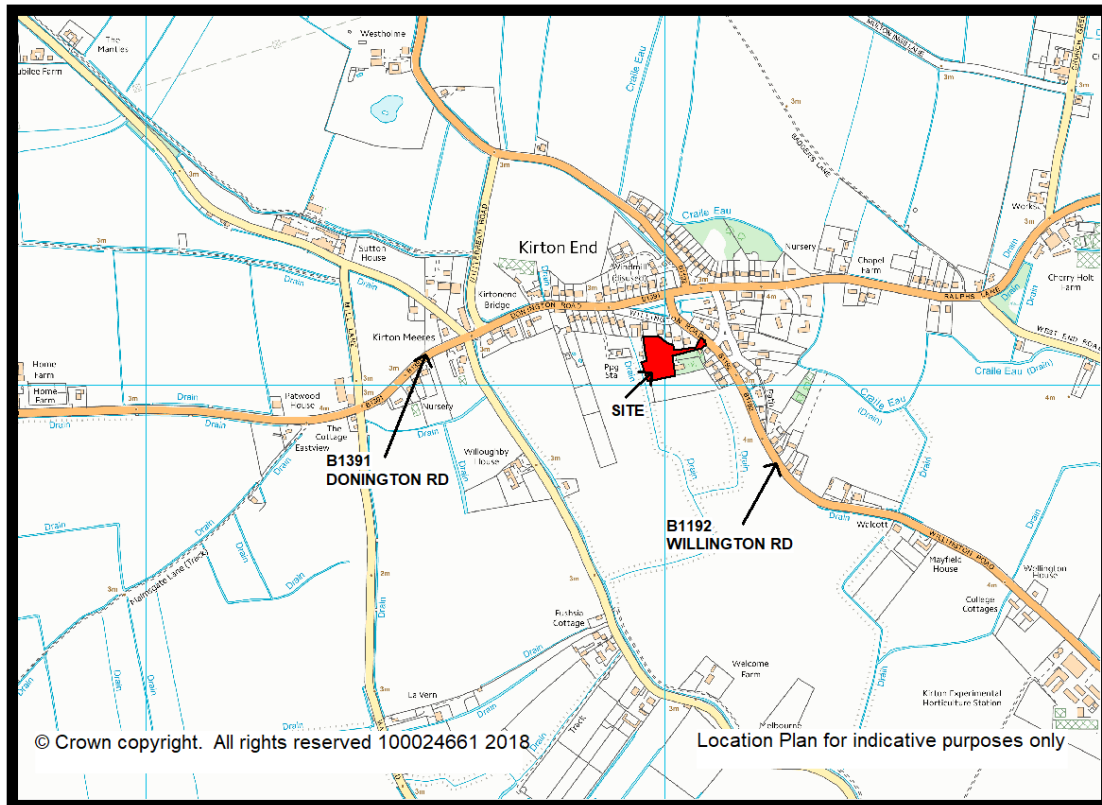
Applicant: Mr & Mrs C Fountain
Agent: Origin Design Studio Ltd
Ward: Kirton & Frampton
Parish: Kirton Parish Council

Case Officer: Trevor Thompson

Third Party Reps: 5

Link to Planning Application: [B/18/0226](https://www.boston.gov.uk/Planning-Applications/B/18/0226)

Recommendation: Refuse



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee given that the site is located within countryside close to the settlement boundary and due to the number of letters of support of the application.

2.0 Application Site and Proposal

- 2.1 The application site covers approximately 0.499 ha and includes part of a former horticultural enterprise (i.e. Leyland Cacti) with access onto Willington Road, Kirton End. Overall the former horticultural enterprise covered 1.28 ha. The applicant owns/controls adjacent land, including an associated single storey dwelling which is subject to an agricultural habitation condition. The horticultural business has now closed and most of the land is now grassed and has a domestic appearance though no permission has been granted for change of use from agricultural land to residential.
- 2.2 The majority of the site lies outside the village boundary of Kirton End and within countryside though part of the site's access and private drive off Willington Road lies within the settlement boundary. There are residential properties to the north and east of the site which front onto Willington Road and Donington Road. To the west and south lie open agricultural fields. There is extensive landscaping within the site and along parts of the site's boundaries.
- 2.3 This application is for outline planning permission for the erection of one dwelling including access with all other matters (ie scale, layout, appearance and landscaping) reserved for later approval. The application is accompanied by an indicative site plan which shows the access location and the shared driveway. It also provides an indication of the siting and footprint of the proposed dwelling.
- 2.4 The existing agricultural workers bungalow next to the site is to remain though it is intended to separate the proposed dwelling from the existing dwelling by providing two independent curtilages. It should be noted that this proposal is **not** for an agricultural workers' dwelling nor for the demolition of the existing agricultural workers' bungalow. The applicant lives in the bungalow and is employed locally in agriculture, thus the requirements of the agricultural condition are still being complied with.
- 2.5 The application is a re-submission of application B/17/0252.

3.0 Relevant History

3.1 In September 2017, an outline planning application for the erection of one dwelling including access with all matters reserved for later approval on this site was refused for the following reasons:

1. The application site is essentially outside the village envelope of Kirton End as defined in the Local Plan and within an area defined as 'countryside'. This development will extend and consolidate the residential area of the village in a westerly direction and into countryside, creating an urban and domestic environment which would be inappropriate and out of character with the area. The resultant effect would erode the character of the countryside and open rural landscape. This scheme will therefore promote an unsustainable pattern of development in this area and the benefits of the development would be significantly and demonstrably outweighed by the visual harm the development will have on the amenity of the countryside. The application is therefore contrary to the objectives of Local Plan policies C01, G1 and G2 and the environmental and social dimensions of sustainable development as contained within the National Planning Policy Framework (2012).

2 The proposal would see the introduction of one new dwelling in the open countryside and in a highly unsustainable location; the nearest settlement is Kirton End which offers very little in terms of facilities and services for local residents. The allowance of a new dwelling in this location would result in future occupiers of the properties being highly reliant on the use of a motor vehicle to meet their everyday needs. It is therefore considered that the proposal is contrary to Adopted Local Plan policy C01 and with the sustainability objectives contained within the National Planning Policy Framework (2012).

3.2 In November 2015, an application for the removal of conditions 3 & 4 attached to planning approval B14/0250/88 which granted permission for the existing agricultural workers bungalow next to the site was refused.

3.3 Condition 3 is a standard agricultural habitation condition and condition 4 linked the occupation of the bungalow in connection with an 'existing dwelling on site'. The application was refused and the subsequent appeal was in part allowed. The Inspector essentially removed condition 4 but retained condition 3.

3.4 The Inspector considered that condition 4 was not enforceable and therefore deleted it. However, the inspector found that there was no substantive evidence on which to conclude that the agricultural occupancy restriction was no longer necessary. He considered that condition 3 would still meet the relevant tests for conditions in the NPPF and should be retained though he did slightly amend the wording of the condition to reflect current best practice.

3.5 This essentially means that the existing bungalow is still subject to the agricultural habitation condition.

3.6 The applicant has made reference to a number of other applications and appeals and how these decisions should be taken into account in the determination of this application. The details and how much weight should be applied in the determination of this application is discussed later in this report.

4.0 Relevant Policy

Boston Borough Adopted Local Plan

- 4.1 The development plan consists of the saved policies of the Boston Borough Local Plan (adopted 1999). 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.
- 4.2 This site is not specifically allocated within the Development Plan though as indicated above, the majority of the site is within countryside, outside of the settlement boundary. The saved Local Plan Policies of relevance to this application are as follows:
- Policy G1 – Amenity
 - Policy G2 – Wildlife and Landscape Resources
 - Policy G3 – Surface and Foul Water Disposal
 - Policy G4 – Safeguarding the Water Environment
 - Policy G6 – Vehicular and Pedestrian Access
 - Policy CO1 – Development in the Countryside
 - Policy H3 – Quality of housing development
 - Policy H2- Windfall housing sites
- 4.3 Note: Policy H2- Windfall housing sites

Policy H2: Windfall Housing Sites begins with ‘Within settlements..’. A small part of the application site (i.e. the access road) is within the Kirton End village envelope but the vast majority is outside of settlement development limits. In a similar situation at Sutterton at an appeal in 2016 (i.e. the ‘Monarchs Road appeal’) the Council successfully argued at public inquiry that Policy H2 applied in such circumstances. It is concluded therefore that Policy H2 does apply in the planning balance.

National Planning Policy Framework (2018)

- 4.4 The NPPF (2018) replaces the NPPF (2012) version. At the heart of the new framework is a presumption in favour of sustainable development. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and should not be taken in isolation. As with the former NPPF, these overarching objectives are economic, social and environmental. The sustainability credentials of this development with regard to these three objectives are discussed in detail further below.
- 4.5 Paragraph 9 of the Framework indicates that:

‘These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. 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’.

Paragraph 11 of the NPPF indicates that plans and decisions should apply to a presumption in favour of sustainable development. It adds that for decision making, 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, (this includes development proposals involving the provision of housing in situations where the Borough Council cannot demonstrate a 5 year supply of housing), granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.6 The Council does not have a 5 year supply of housing and therefore policies relevant to the supply of housing are out of date. The tilted balance in paragraph 11 of the National Planning Policy Framework (NPPF) is therefore engaged and on this basis there is a presumption in favour of sustainable development which presumes in favour of the grant of permission unless harm significantly and demonstrably outweighs the benefits of the scheme.

4.7 With regard to rural housing, paragraphs 78 and 79 of the NPPF are relevant. Paragraph 78 indicates that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs’.

4.8 Paragraph 79 states:

‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby’.

4.9 Section 9 of the NPPF relates to transport issues. Paragraph 103 states:

‘The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.’

South East Lincolnshire Local Plan (SELLP)

4.10 The site is mainly outside the settlement boundary of Kirton End as identified on Inset map 50 of the South East Lincolnshire Local Plan and within countryside. Kirton End is defined as 'Other service centre and settlement' within the SELLP. It is anticipated that the South East Lincolnshire Local Plan will likely be adopted before the end of this year. Therefore the policies contained within this document are attracting increasing weight. Objections have not been received in relation to the settlement boundaries and therefore weight can be attributed to Policy 1 (Spatial Strategy) as set out within the Main Modifications. Thus the fact that the site lies essentially outside the village envelope of Kirton End as identified in the SELLP attracts significant weight.

4.11 Paragraph 48 of the NPPF states:

Local planning authorities may give weight to relevant policies in emerging plans according to:

a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

5.0 Representations

5.1 As a result of publicity 5 representations have been received from the occupiers of the following properties:

- 12 Holmes Road, Kirton End
- Rivendell, Kirton End
- 4 Chapelgate, Kirton End
- The Old Rectory, Hall Lane, Algarkirk
- 338 Wellington Road

All five letters are in support of the application and the comments may be summarized as follows:

- Brownfield site was a 'mess' and an eye sore. Removal of glasshouses is now a welcome improvement
- 'Cannot see that an additional dwelling..... would be a problem'
- '...would gladly welcome another neighbour into the village and community
- Site is a large plot and putting it to good use as a family home would bring positive things to the village- not using it would 'go to waste'
- One neighbour states 'no objections'
- Development will benefit the area greatly
- Reduction in traffic due to the removal of commercial vehicles will be positive to the community and will generate less noise and disturbance. Existing access is unsuitable for large commercial vehicles.

6.0 Consultations

6.1 Kirton Parish Council has made the following comments:

'existing access not suitable for more than two dwellings on the plot, not within the village envelope'.

6.2 County Highways Authority has no objections.

6.3 Black Sluice Internal Drainage Board has raised no objections but has made comment with regard to surface water drainage and byelaws.

7.0 Planning Issues and Discussions

7.1 The main planning issues in the determination of this application are:

- Principle of development and policy interpretation
- Loss of agricultural/ horticultural land and glasshouses
- Impact on highway safety
- Impact on residential amenity
- Impact on the character and appearance of the countryside
- Sustainability
- Flood risk
- Other matters.

Principle of development and policy interpretation

7.2 The Council published and updated its assessment in relation to its 5-year housing supply (Assessment of 5-year housing land supply as at 31 March 2018). Depending upon whether the Liverpool or Sedgfield method of calculating housing requirement is used, there is currently an oversupply using the Liverpool method or undersupply using the Sedgfield Method. However, the report identifies that until the housing identified within the emerging plan can be counted as contributing towards the housing land supply the Sedgfield method should be used. Therefore, the Borough does not have a five year housing land supply.

7.3 The NPPF supports sustainable housing development in rural areas. Although the Framework does not refer to settlement boundaries it does seek to recognise the character and beauty of the countryside. Policy G2 of the Local Plan seeks to resist development which would have an adverse effect on the existing landscape and Policy G1 seeks development which does not substantially harm the general character of the area because of its scale, density, layout or appearance. These aims are consistent with the Framework.

7.4 As indicated above, the site is at the edge of the village envelope, partly within the settlement boundary but mostly within countryside as defined in the Local Plan. Local Plan policy C01 primarily seeks to resist development in the countryside unless supported by other Local Plan policies.

- 7.5 As indicated above the lack of a five year supply of housing land means that any Local Plan policies that are to do with housing supply are 'out of date'. The weight attached to such policies and their breach still falls to be determined in the planning balance.
- 7.6 The fact that the proposed development would be located in the countryside does not necessarily by itself make it unacceptable in principle. Instead, such applications for housing schemes within countryside locations are now assessed more generally in relation to the objectives of Local Plan policies G1 and H3 which resists development which will cause substantial harm to the amenity and character of an area which promotes quality housing schemes. As indicated above the Planning Inspector relating to the site at Spalding Road Sutterton whilst acknowledging the objectives of Local Plan policy C01, concluded that given the appeal applications accorded with other Local Plan policies (i.e. G1, G6 and H3), the development would also accord with Local Plan policy C01.
- 7.7 Local Plan Policy H3 refers to the Quality of Housing Development and there are similar criteria to those in Policy H2 in terms of judgments of character and compatibility. Policy H3 would not permit housing if it is close to an existing use which is likely to cause environmental problems to future residents; and subsection 4) resists developments which would cause or aggravate adverse traffic conditions on the highway network.
- 7.8 In terms of the principle of development, the main issues are therefore whether the proposed development would be acceptable having regard to policies concerning the location of new housing, whether it promotes a sustainable form/pattern of development and whether the development will harm the character and appearance of the area.

Loss of agricultural / horticultural land and glasshouses

- 7.9 As indicated above the application site forms part of a former horticultural complex which is now no longer in business due to the un-viability of the product (i.e. cacti) and because the glasshouses were in a state of disrepair due to lack of maintenance. The application is accompanied by a detailed assessment of the structural condition of the glasshouses which concludes that the glasshouses are unsafe and are past economic repair. The glasshouses have now been demolished and much of the site has been laid to grass.
- 7.10 Land which is used for horticulture comes under the definition of agriculture in planning law and therefore the development of this site would result in the loss of some agricultural land. Local Plan policy G9 which relates to the loss of agricultural land is not a saved policy but still forms part of the development plan.
- 7.11 Section 11: Making effective use of land (para 118) of the NPPF indicates that planning decisions should:

'.....c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

Section 15: Conserving and enhancing the natural environment – (Para 170 of the NPPF) indicates that 'Planning policies and decisions should contribute to and enhance the natural and local environment by: (amongst other things):

b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;

- 7.12 It is clearly inevitable that high quality agricultural land will always be under pressure for development when much of the land surrounding Boston and other settlements in the borough is generally high quality agricultural land. It is considered that the loss of this area of agricultural land would not be a sole reason to refuse this application given this Council does not have a 5 year housing land supply, that other larger areas of agricultural land have been granted for housing in the district and the relatively small area of the site.
- 7.13 Permission for the existing agricultural workers bungalow was originally granted to meet the functional horticultural needs of the enterprise. Although this horticultural enterprise no longer exists, the bungalow still fulfils the objectives of the condition by meeting the needs of agriculture in the wider locality since the applicant is employed in the locality in agriculture. As indicated above a previous application to remove two conditions attached to a previous permission (including the agricultural habitation condition) was not entirely successful at appeal because no evidence had been submitted which proved there was no longer an agricultural need in the wider locality.
- 7.14 However the site covers 0.499 hectares which is a significant proportion of the land covered by the former horticultural enterprise. Any approval of this current application will effectively negate any possibility of the overall site being re-used in the future for horticultural /agricultural purposes. It may therefore be argued that it would be inappropriate to grant permission for this development at this stage when insufficient evidence has been submitted that demonstrates that a horticultural operation could not be operated from the site in the future. However given decisions made with regard to other horticultural holdings in the district, it is highly unlikely that a viable agricultural or horticultural enterprise could be operated from this site. The partial or complete loss of the horticultural use as a result of this development may diminish to some extent the need for the agricultural workers dwelling at this site, especially if the current occupiers of the bungalow (i.e. the applicants) move into the proposed dwelling.
- 7.15 Therefore it may be argued that any permission for the proposed new non agricultural dwelling, subject of this application, in this edge of village location will also be a major factor in the determination of any future application for the removal of the agricultural habitation condition which exists on the existing bungalow. In other words when determining such an application, it may be

considered 'unreasonable' for the existing bungalow to be subject to an agricultural habitation condition when the approved new dwelling would not be. This would likely lead to the approval of such an application and the removal of the agricultural habitation condition. This would be in conflict with the sustainable objectives of the NPPF. However as Members are aware, each application is determined on its own merits.

Impact on highway safety

- 7.16 The application site gains vehicular access onto Willington Road via a long driveway. This access and driveway is shared with the existing agricultural dwelling and the adjacent dwelling 'The Willows'. The access also served the former horticultural enterprise. This outline application includes 'access' and is therefore not a matter reserved for later approval but is a matter to be considered as part of the assessment of this application.
- 7.17 The County Highway Authority has no objections.

Impact on residential amenity

- 7.18 There are residential properties within the immediate vicinity of the site including adjacent and opposite the site's access and to the north and east along the site's boundaries. The site is large and covers 0.49 hectares and the indicative plan which shows how the site could be developed, demonstrates that a dwelling could easily be accommodated on the site without causing substantial harm to the amenity of the occupiers of neighbouring properties. The overall size of the site is more than sufficient to ensure that the proposed dwelling would have adequate separation from the existing neighbouring dwellings to ensure the privacy; outlook and amenity of the occupiers of the neighbouring properties are maintained.
- 7.19 As indicated the site shares vehicular access with the existing agricultural bungalow and 'The Willows' and the amenity of the occupiers of these properties may experience some disturbance from pedestrian and vehicular traffic that would be generated by this development. The indicative plan shows that it is intended to provide new walls and landscaping to protect the amenity and privacy of the future occupiers of the bungalow and other neighbouring residents. Furthermore, it is intended to locate the proposed dwelling near the site's western boundary and a significant distance from neighbouring properties. Also, the reduction in traffic movements of one dwelling compared to the former horticultural enterprise (or any future commercial use) may also provide some benefit to the amenity of some residents.
- 7.20 It is considered that this proposal will not harm residential amenity subject to the submission of satisfactory design and layout of the proposed dwelling and satisfactory landscaping details at reserved matters stage.

Impact on the character and appearance of the countryside

- 7.21 The pattern of development in the area may be generally described as a low density frontage residential development along Willington Road and Donington Road consisting of detached properties of varying ages and designs. The existing agricultural bungalow which is owned/controlled by the applicant is located immediately outside of the Kirton End settlement boundary and within countryside. It was granted permission in 1988 because it was considered at that time to be essential to the needs of agriculture.
- 7.22 The applicant says that the development would not encroach into open countryside in the sense that the land is already developed and the curtilage is defined by significant borders of mature trees and hedging. The applicant adds that visually the site forms part of the built up area of the village and consequently the proposed development will not have an adverse impact on the character of the countryside. It is also considered by the applicant that although the site is obscured from public view, it is an eyesore to all overlooking properties and this development will be in keeping with the surrounding land uses and pattern of development. Furthermore, the applicant considers that the demolition of the existing glasshouses on site and its development may also provide some visual benefit to immediate neighbours.
- 7.23 The development of this site will clearly change the characteristics of the area, essentially from a horticultural use (although the site now has a more domestic appearance) which is a land use which often sits comfortably within a rural setting to an urban and domestic environment which may often be at odds with the nature, character and pattern of development within a rural environment. The domestic appearance is often further emphasized by domestic paraphernalia, sheds, outbuildings etc. which area often found within such urban environments which may appear alien within a countryside setting.
- 7.24 In addition, it may be argued that any approval of this outline application for residential development on this site may set a precedent for the redevelopment of the whole site for housing, although in such an event the number of dwellings may be governed and limited in part by the capacity of the vehicular access onto Willington Road. This may result in a substantial and detrimental change to the character and pattern of development in this area.

Sustainability

- 7.25 The Framework sets out three dimensions and roles of sustainable development i.e. social, economic and environmental. In addition, one of the core elements of the NPPF is that patterns of growth should be properly managed and to make the most effective use of public transport, cycling and walking. Paragraph 8 of the Framework explains that these three roles should not be undertaken in isolation because they are mutually dependent.
- 7.26 The application site is at an edge of a minor village. There are no facilities or amenities within Kirton End. It is therefore likely that future occupiers would be highly dependent on the use of the motor vehicle to provide safe and convenient access day to day facilities within the nearby main villages, Kirton and Boston.

- 7.27 In social terms residential development of the site for one dwelling would make a negligible contribution towards the supply of housing in the area. The NPPF identifies the social objectives as provision of a sufficient number and range of homes, safe and well-designed development, accessible services and open space that support communities' health, social and cultural well-being. Conditions can be attached to any approval to ensure the new dwelling is well-designed, accessible and safe. The development would accord with paragraph 8 of the Framework since this scheme will provide some, limited social benefit.
- 7.28 In economic terms, the proposal would provide employment at construction stage and may support local businesses and the local wider economy both during construction and when the dwelling is occupied. The approval of this application would however result in the loss of vacant horticultural land which weighs against this proposal in economic terms. However such loss of horticultural land as a result of this development has limited weight and on balance it is considered that the development would meet the economic dimension of sustainable development.
- 7.29 The environmental dimension of the NPPF aims to protect and enhance the natural, built and historic environment and biodiversity. In this instance, although it is planned to provide some additional landscaping within the site and that all the existing glasshouses are to be demolished to accommodate this development which will provide some amenity and environmental benefit it is considered that the benefits to the environment and to biodiversity overall are likely to be moderate. It is considered that any approval of this application could likely lead to a consolidation of a group of buildings within countryside location and adjacent to a settlement boundary. The buildings and other domestic paraphernalia would create an urban environment which may erode the character of the countryside and the surrounding environment. The proposed development would not constitute 'infill development' given the location of the site and spatial relationships with other properties. The resultant effect would therefore not meet the environmental thread of sustainable development.
- 7.30 Furthermore, there are no main facilities within Kirton End and there is no footpath with street lighting along Willington Road which connects Kirton End to Kirton which is a main village with many facilities. This would result in future occupiers of the property being highly reliant on the use of a motor vehicle to meet their everyday needs, especially during winter months when walking or cycling to and from Kirton is less likely. Although the applicant points out that there is a bus stop is on the opposite side of the road where a call and connect bus service is located, this is not likely substantially enhance the environmental credentials of this development. However, the unsustainable location of the site may be offset to some extent given the SELLP encourages new housing developments within such the villages, with the main part of the site adjoining the Kirton End defined village boundary and that the NPPF acknowledges that 'opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.' In location terms, it may therefore be argued that the site is not in an unsustainable location.

Flood risk

- 7.31 The site is located within flood zone 3 of the Environment Agency's Flood Zone Map. The application is accompanied by a Flood Risk Assessment which indicates that the site lies within 'danger for some' category. It recommends that finished floors should be raised at least 600mm above existing ground levels. The Environment Agency's 'standing advice' indicates that floor levels should be set a minimum of 500mm above ground level.

Other matters

- 7.32 The applicant has submitted a supporting statement which, inter alia, includes details of a number of applications and appeals relating to various developments for housing schemes within the district. The submitted list of permissions granted relate to one or more of the following issues:
- Land allocated in the open countryside
 - Land near /adjacent to the existing curtilage of the settlement
 - Brownfield/previously developed land
 - Private driveway access
- 7.33 The applicant considers that these approvals set a precedent for the current application to be looked at favourably.
- 7.34 There are very few similarities between the schemes identified in the applicants supporting statement and the current scheme especially given that many of the schemes identified relate to sites along the periphery of main villages which have a range of facilities and amenities. As indicated above, Kirton End is a minor village and has limited facilities. Furthermore it is not considered that this development represents infill development and the site is not 'previously developed land' as defined in Annex 2: Glossary which excludes 'land that is or was last occupied by agricultural or forestry buildings. Horticultural glasshouses fall within this definition.
- 7.35 It should also be noted that each application should be assessed on its own individual merits and having regard to its own individual context and circumstances.

8.0 Summary and Conclusion

- 8.1 In accordance with the NPPF, applications should be approved unless policies in the Framework protect areas or assets of particular importance and provide clear reasons for refusing the proposed development or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
- 8.2 The Council does not have a 5 year supply of housing and therefore significant weight needs to be attributed to this. Weight must be given to the characteristics of the site, including its former use, the limited scale of the development (i.e. one dwelling) and whether the development of one single house in this location would substantially harm the amenity of the area. Furthermore, weight may also be attached to the fact that some neighbours and other occupiers who live further away, support the application and consider that this development may lead to an enhancement to the area. Also, given that the site is well screened from Willington Road may add some weight to the case that any adverse environmental impact may not be substantial.

- 8.3 In addition and as indicated above, the revised NPPF acknowledges that the transport needs within rural areas may differ to those within urban areas which should be taken into account at decision-making. Thus the previous reason for refusal no 2 (which relates to sustainability of location) may not be a determining factor and any refusal of this current application on similar grounds may no longer be in accordance with the new NPPF.
- 8.4 However the site is within mainly within countryside, as identified both within the adopted Local Plan and the SELLP, at the edge of a village which has few facilities and as indicated the policies contained within the SELLP which have attracted no objections now have moderate weight. The fact that the large part of the site lies outside of both of the settlement boundaries substantially weighs against this proposal.
- 8.5 It is considered that on this basis this development would not promote sustainable patterns of development in the area and would not accord with the principles set out within the Framework. On this basis, it is considered that any benefits associated with the provision this scheme would be significantly and demonstrably outweighed by the harm this development would have on the character of the countryside and patterns of development. It is therefore recommended that the application be refused for the following reasons.

9.0 Recommendation

It is recommended that Committee REFUSE planning permission for the following reason:

1. The application site is essentially outside the village envelope of Kirton End as defined in the Local Plan and in the Modifications Draft South East Lincolnshire Local Plan (SELLP) and within an area defined as 'countryside'. This development will extend and consolidate the residential area of the village in a westerly direction and into countryside, creating an urban and domestic environment which would be inappropriate and out of character with the area and would erode the rural landscape. This scheme will therefore promote an unsustainable pattern of development in this area and the benefits of the development would be significantly and demonstrably outweighed by the visual harm the development will have on the amenity of the countryside. The application is therefore contrary to the objectives of Local Plan policies C01, G1 and G2 and Policy 1 of the Main Modifications of the SELLP and the environmental and social dimensions of sustainable development as contained within the National Planning Policy Framework (2018).

Refused Drawing Numbers: J1628-PL-01 rev A01 and J1628-PL-02 rev A02

In determining this application the authority has taken account of the guidance in paragraph 38 of the NPPF (2018) in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the Borough

Lisa Hughes
Development Manager