

BOSTON BOROUGH COUNCIL

Planning Committee – 18 September 2018

Reference No: B/18/0153

Expiry Date: 11-Sep-2018

Application Type: Full Planning Permission
Proposal: Change of use from agricultural land to residential curtilage
Site: Dovecote Farm, Sutterton Drove, Amber Hill, Boston, PE20 3RF

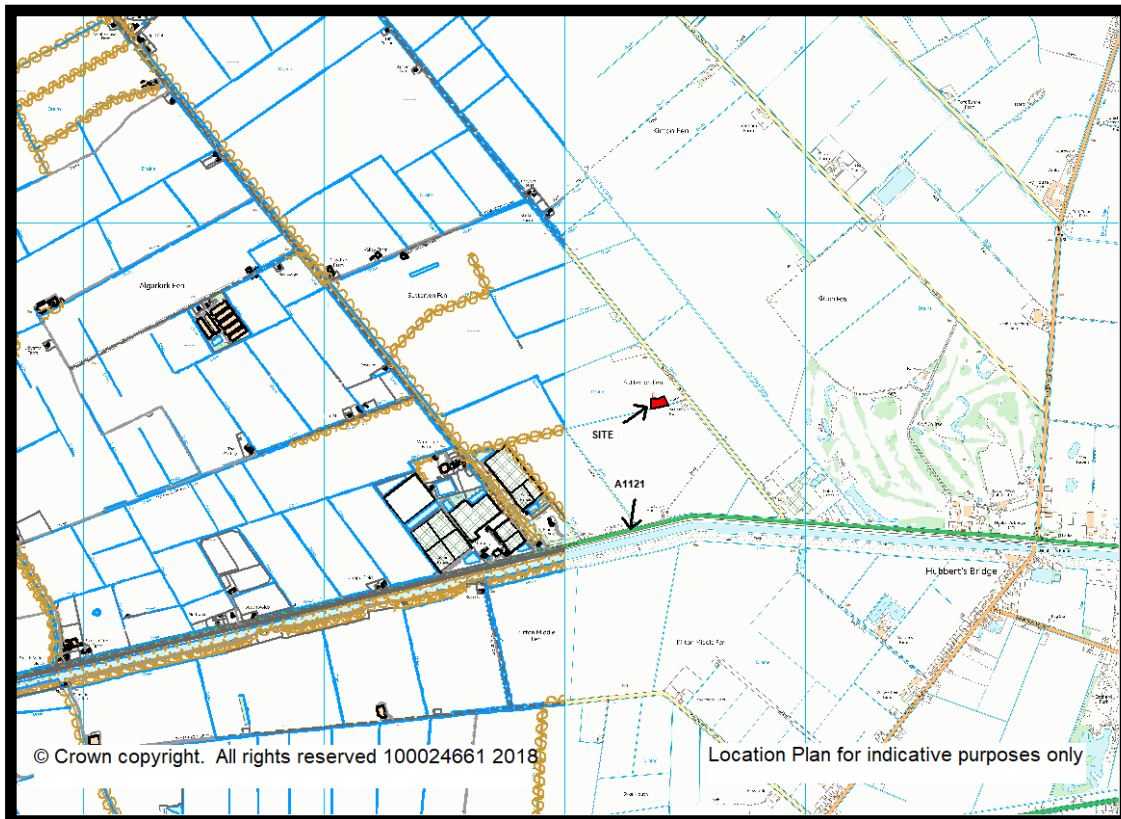
Applicant: Mr Johnson
Agent: Mr Tom Brunyard – JMAD Architecture
Ward: Swineshead and Holland Fen
Parish: Amber Hill Parish Council

Case Officer: Stuart Thomsett

Third Party Reps: None

Link to Planning Record: [B/18/0153](#)

Recommendation: GRANT



1.0 Reason for Report

- 1.1 This application has been presented to the Planning Committee to demonstrate transparency of the decision-making process.

2.0 Application Site and Proposal

- 2.1 The application site is located on the western side of Sutterton Drove (off Boardsides A1121), in open countryside some distance from any settlement boundaries. Save for one nearby dwelling, "Portelet House", the two agricultural storage buildings are isolated and surrounded by agricultural land which is the reason they were constructed.
- 2.2 The agricultural land that is the subject of this application is accessed via an independent grass track beyond tall metal gates directly off Sutterton Drove. Within the application site (red line) is a brick built agricultural building with fibre cement panels and roof above supported by concrete support and beams. Prior approval was given by the Council under B/16/0211 for the change of use of an agricultural building to a dwellinghouse (Use Class C3) and for associated operational development, and also under B/18/0112 for the change of use of an agricultural building to 2 no. dwellinghouses (Use Class C3) and for associated operational development. There is a further open agricultural store to the rear of the site under the same ownership (blue line) and planning application B/18/0194 seeks permission to renovate this building for use by the applicant. This application is on the same Planning Committee agenda.
- 2.3 The area of agricultural land subject of this application measures 2580 sqm (0.258 ha) and the cumulative area of land within its curtilage (the blue line) is approximately 1.3 ha.

3.0 Relevant History

- 3.1 B/16/0211 - Prior approval for the change of use of an agricultural building to a dwellinghouse (Use Class C3) and for associated operational development. This provision is covered under Part 3 Class Q of the Town and Country (General Permitted Development) Order (2015) – Prior Approval given, i.e. full planning permission is not required.
- 3.2 B/18/0112 - Application for Prior Approval for the change of use from agricultural building to 2 no. residential dwellings (Class C3) and for associated operational development – Prior Approval given, i.e. full planning permission is not required.
- 3.3 B/18/0113 - Application for Prior Approval to enclose existing agricultural building with hardwood timber cladding to store agricultural vehicles and animal feed – this application could not be determined under the prior notification procedure as the proposed development requires full planning permission hence planning application B/18/0194.

- 3.4 B/18/0114 - Change of use from agricultural land to residential curtilage, and proposed extension to barn which is subject to Prior Notification (B/18/0112) to convert to 2 no. dwellings – following discussions with the Local Planning Authority, this application was withdrawn.
- 3.5 No other recent relevant history exists for this site.

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). S.38(6) of the 2004 Act 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 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

National Planning Policy Framework (2018)

- 4.3 The National Planning Policy Framework (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 are discussed in detail further below.
- 4.4 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.

5.0 Representations

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

6.0 Consultations

6.1 County Highways Authority – no response received.

6.2 Amber Hill Parish Council - no response received.

6.3 Black Sluice Internal Drainage Board - no response received.

7.0 Planning Issues and Discussions

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

- Principle of development of the proposed change of use of approximately 0.26 ha of agricultural land to form a domestic curtilage(s)
- Urbanisation / intrusion into the countryside
- Loss of agricultural land and impact upon residential amenity

Principle of development of the proposed change of use of approximately 0.26 ha of agricultural land to form a domestic curtilage(s)

- 7.2 Policy C01 of the Boston Borough Local Plan restricts development in the countryside unless supported by other Local Plan policies. The main objective of this policy is to conserve the character of the countryside and protect the best and most versatile land. Ministry of Agriculture Forestry and Fisheries Agricultural Land Classification Maps show most of Boston's agricultural land as being grades 1 or 2, and most development will therefore involve the loss of the 'best and most versatile land'. Therefore, the main issue in the determination of this application is whether this proposal meets the objectives of Policy C01 of the Boston Borough Local Plan since there are no specific Local Plan Policies for the creation of domestic curtilages in the countryside.
- 7.3 This application involves creating domestic curtilages from 0.26 ha of agricultural land located to the rear of the 1.3 ha site, which is currently designated as countryside. As the loss of agricultural land is so limited, the only important issue raised by this application is the likelihood of the proposed change of use to domestic garden urbanizing the character of this rural location

Urbanisation / intrusion into the countryside and impact upon residential amenity

- 7.4 Until an application was made in 2016 (B/16/0211), this entire site (red and blue line) had only ever been used in agriculture and the main barn was used to dry and store corn. Earlier this year, Prior Approval (B/18/0112) was given for the conversion of that corn dryer to create 2 no. dwellings. This application seeks permission to create residential curtilages and gardens to serve those two dwellings. The amount of land applied for is reasonable and cannot be considered excessive at 0.258 hectares.
- 7.5 As the land has been grassed for some time, it has not been used to cultivate crops and is intended to be used as domestic garden. Whilst the site is open countryside and visible from all vantage points, the majority of the site will not be highly visible from Sutterton Drove due to the barn which can be converted to form either one or two dwellings.
- 7.6 As with many rural locations within the Borough, there is almost a complete absence of background noise in this location. The only nearby properties likely to be affected by the proposed change of use are the two properties either side of the larger site, and of the two properties, 'Portelet House' is by far the closest. Aside from the farming activity that has occurred on the application site, the nearest residential property and any significant levels of activity likely to have affected 'Portelet House' would have occurred at 'Broadlands', some 300m distant along Sutterton Drove. Consequently, any increase in noise levels that will emanate from the converted barn and domestic curtilages will impact upon the amenity of the nearest dwellings. However, accepting that the vast majority of the application site is to the rear of the barn approximately 100m from the nearest dwelling, and that generally speaking people are largely considerate neighbours who keep tidy gardens, it is considered unlikely that the proposed change of use will lead to an unacceptable change in character and certainly not to a degree worthy of refusal.

7.7 Therefore, whilst the maintenance and appearance of the domestic curtilage will be determined by the occupiers of the dwelling(s) with regard to such matters as tidiness and the extent of domestic paraphenlia, the effect of the change of use is unlikely to be greatly noticeable.

8.0 Summary and Conclusion

8.1 The recent planning history of the agricultural building within the application site has to be taken into consideration. Whilst the conversion of the barn would not have been supported by policies contained within the development plan, as the barn can be converted under Class Q of the General Permitted Development Order it must be accepted that if converted, the nature of activity within and around the barn will change. Thus, the only matter to be determined is whether the change of use is acceptable. It is the Planning Officer's opinion that it is unlikely that the proposed change of use will lead to an unacceptable change in character of this rural area and certainly not to a degree worthy of refusal.

9.0 Recommendation

It is recommended that Committee grant FULL planning permission subject to the following conditions and reasons:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in strict accordance with the application received 17th July 2018 and in accordance with the associated plans referenced: -

- 1/2 Site Location Plan (1:1250) drwg no. 401
- 2/2 Site Block Plan (1:200) drwg no. 402

Reason: For the avoidance of doubt, in the interests of proper planning and to accord with the objectives of Local Plan Policy G1.

3. Notwithstanding the submitted site plan, no development to implement this change of use hereby approved shall take place until full details of landscaping works have been submitted to and approved in writing by the Local Planning Authority. These details shall comprise a detailed specification of planting, hedging and Lincolnshire post and rail fencing. The specification shall include details of species of plants, plant size/age, density of planting, method of planting including details of ground preparation.

Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily and accords with the aims and objectives of saved adopted Local Plan Policy CO1 and G1.

4. All landscape works shall be carried out in accordance with the approved details during the next available planting season following the implementation of the use or completion of development whichever is the sooner, unless agreed in writing with the Local Planning Authority. Any trees or plants which within a period of 5 years from the date of planting die, are removed or become seriously damaged or diseased shall be replaced in the first available planting season with others of similar size species or quality, unless the local planning authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with Section 197 of the 1990 Act which requires Local Planning Authorities to ensure, where appropriate, adequate provision is made for the preservation or planting of trees, and to ensure that the approved scheme is implemented satisfactorily. The condition accords with aims and objectives of saved adopted Local Plan Policy CO1 and G1.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no buildings whether permanent or temporary shall be constructed, or other structures shall be erected or hard surface provided on the application site.

Reason: To ensure that this land is only utilised for garden and private open space in association with the converted barn ('Dovecote Farm') in accordance with the aims and objectives of Policy CO1 of the Boston Borough Local Plan.

Lisa Hughes
Development Manager