

NORTH LINCOLNSHIRE COUNCIL

PLANNING COMMITTEE

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED
DEVELOPMENT) ORDER 1995 (AS AMENDED 2010) (GPDO)
THE ISLE OF AXHOLME HISTORIC LANDSCAPE ARTICLE 4 DIRECTION
CONSIDERATION OF REPRESENTATIONS**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To bring to the attention of the Planning Committee, comments received following the making and advertisement of the above Direction.
- 1.2 To consider whether to confirm the Direction.

2. BACKGROUND INFORMATION

- 2.1 Members decided to make three Directions at the 24 August 2011 meeting.
- 2.2 This Direction relates to an area of land in Haxey. It is dated 13 January 2012. It was advertised on site and in a local newspaper on 2 February 2012. The council has subsequently received twenty three letters. One letter was withdrawn. Two letters are on behalf of people owning or farming land within the area of the direction. The exact number of people represented in this way is unknown.
- 2.3 Appendix 1 explains the nature and extent of the parts of the GPDO controlled by the direction.
- 2.4 Appendix 2 summarises the representations received.
- 2.5 Appendix 3 contains copies of those representations.
- 2.6 Appendix 4 is a copy of the Direction and map.
- 2.7 In part, the boundary for the Direction was based upon land in the Isle of Axholme Special Project area. That area also includes land which takes into account the impact of permitted development works on the setting of the open field.

- 2.8 To the north and west, the boundary of the area is defined by the boundary of one of the special project areas. To the east it is bounded in part by the line of the former Isle of Axholme light railway (here some land is included for setting purposes), and in part by development of the west side of Turbary Road, Haxey.
- 2.9 On the south side the area is bounded in part by the Northside Track leading onto Cross Hill. Here land including The Hood field is included for setting (and cultural), purposes. On this boundary and on the Turbary Road boundary, the line of the area was set back from the road frontage in order to exclude the curtilages of residential properties.
- 2.10 Elsewhere, where properties formed “looser” arrangements on frontages and appear to be contained within the field (within the field and on Cross Hill close to Haxey and on the Northside track for example), curtilages were included in the area. This was done as the development of curtilage land at these properties could potentially have impacts upon the setting of the field.
- 2.11 Some land that people consider is their garden is incorporated into the area of the Direction. The term garden however, has no real planning meaning. Given the size of many of the plots, most “garden” areas would fall outside a curtilage for planning purposes.
- 2.12 The purpose of the Direction is to ensure that works of permitted development do not harm local amenity. The Direction will also ensure the proper planning of the area. It was made because we consider that permitted development works will undermine visual amenity or damage the historic environment. In taking these matters into consideration, the Direction was therefore drafted to address issues around the impact of permitted development upon setting. In addition, an accumulation of permitted development works undertaken over many years, is likely to lead to the subdivision of farmland other than for purposes necessary for agriculture. Permitted works may also result in the loss of agricultural land.
- 2.13 Policy LC 7 and Policy 14 of the local plan 2003 are saved policies under the Local Development Framework, the core strategy for which has been adopted. Policy LC 7 seeks to protect the wider landscape of North Lincolnshire from inappropriate development. Policy LC 14 seeks to conserve the character, appearance and settlement pattern of the wider landscape and its setting. Permitted development works specified in the Direction are considered to have undermined or to have the potential to undermine, the proper planning of the area.

- 2.14 The survival of open fields in combination with ancient enclosures and latter parliamentary enclosure on the Isle is one of only a handful of survivals nationally.
- 2.15 The history and character of the open fields on the Isle is different to that of the other areas. Unlike other areas, the Isle of Axholme is on a landscape scale, occurring across three parishes. These factors make the Isle of Axholme important nationally. For this reason the Axholme open fields were selected nationally for a Countryside Stewardship Special Project. Natural England and English Heritage supported this.
- 2.16 Unlike elsewhere in England, the old Isle fields do not have balks between strips. Because of this, new buildings or boundary features can easily change the look and feel of the open fields. Because of the absence of physical boundaries, it is not possible to protect the Isle's open fields through listings used for other heritage sites.
- 2.17 The Direction is aimed at providing some basic protection to help safeguard the look and feel of the Isle's historic open fields. These fields are fundamental to local distinctiveness.
- 2.18 In determining whether to confirm the Direction, the council must take into consideration all representations. No guidance is given on how to assess any representations. Planning however is about a balance between the legitimate concerns of individuals and the amenity of the wider community. In this respect the representations have been assessed and reported upon in terms of whether the concerns of individuals outweigh the stated objectives in making the Direction or, whether the direction is onerous.
- 2.19 The outcomes of this assessment are set out in Appendix 2. It is upon the basis of this information that a decision as to whether to confirm the direction is necessary.

3. **OPTIONS FOR CONSIDERATION**

- 3.1 The options available for the Planning Committee to consider are as follows.
- 3.1.1 **Option 1** – Confirm the Direction as made.
- 3.1.2 **Option 2** – Do not confirm the Direction, but make a new one
- 3.1.3 **Option 3** – Do not confirm the Direction

4. ANALYSIS OF OPTIONS

4.1 **Options 1** – as stated above all representations made are detailed in Appendix 2. Broadly these fall into categories with the following concerns :-

- a) About the manner of consultation.
- b) That the direction will adversely affect property prices.
- c) That the direction should exclude residential property.
- d) That the direction will mean that maintenance works, either to residential property or to agricultural holdings, will require consent.
- e) That the landscape is not special and does not require protecting in any way, so the direction is inappropriate.
- f) That there is no evidence that the things that the council seeks to control are harmful or indeed that they exist at all.

4.2 All of these matters are dealt with in the Officers response part of Appendix 2. On balance there appears little reason to not confirm the Direction as made.

4.3 What is proposed is not a significant change in development control. The Direction clarifies the council's position on development issues and will simplify enforcement procedures. Applications arising from the direction will be free of charge, and, it will allow the local community to consider development proposals through planning applications.

4.3 **Option 2** – if members feel that they would wish to change the boundary of the direction they should then not confirm it and make it a new one.

4.2 **Option 3** – If the Direction is not confirmed the rules concerning permitted development works would remain unchanged. The likely result of this is that the look and feel of this special landscape (thought to be over 1,000 years old), will be lost over time.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Finance - The making of the Direction would be financed out of existing operational budgets. There are no further financial implications if the Direction is confirmed, as existing staff would deal with any applications for planning permission.

5.2 There are no staffing, property or, IT implications.

6. OTHER IMPLICATIONS (STATUTORY, ENVIRONMENTAL, DIVERSITY, SECTION 17 - CRIME AND DISORDER, RISK AND OTHER)

- 6.1 Statutory - No statutory duty exists to conserve the historic character of this area.
- 6.2 Environmental - There is a major historic environmental benefit from safeguarding a prime example of a strip field system recognised as being of national importance..
- 6.3 Diversity – Further restricts the property rights of some but allows others to comment upon works which they may consider have impacts upon them.
- 6.4 Crime and Disorder – Unlikely to have any impact.
- 6.5 Risk - Any risk should be contained within the existing planning application system.

7. OUTCOMES OF CONSULTATION

- 7.1 Finance – See 5.1 above.
- 7.2 Legal – no comment.
- 7.3 The outcome of the consultation procedure is as detailed above and as set out in the appendices to this report.

8. RECOMMENDATIONS

- 8.1 That the Planning Committee confirms the Isle of Axholme Historic Landscape Article 4 Direction as made.

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Background Papers used in the preparation of this report:

- Isle of Axholme Historic Landscape Characterisation Study
- North Lincolnshire Local Plan
- Town and Country planning (General Permitted Development) Order 1995 and as amended 2010
- Annex E: PPG 7 – Permitted Development for Agriculture and Forestry

- Review of Permitted Development Rights – ODPM September 2003
- Minute 1371(9) of the Planning Committee held on 24 August 2011