

<b>APPLICATION NO</b>	<b>PA/2016/1346</b>
<b>APPLICANT</b>	Ms Connie Jo Cheesman
<b>DEVELOPMENT</b>	Planning permission to retain building, clad with pine including an extension
<b>LOCATION</b>	Plot 22, Leys Lane, Winterton, DN15 9QT
<b>PARISH</b>	Winterton
<b>WARD</b>	Burton upon Stather and Winterton
<b>CASE OFFICER</b>	Tanya Coggon
<b>SUMMARY RECOMMENDATION</b>	<b>Minded to grant permission subject to conditions were North Lincolnshire Council the determining authority</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Member 'call in' (Cllr Elaine Marper – significant public interest)

## **POLICIES**

**National Planning Policy Framework:** Paragraphs 11 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 14 states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 37 states that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraphs 60 and 61 relating to quality of design also apply.

Paragraph 69 states that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see.

## **North Lincolnshire Local Plan:**

DS1 (General Requirements)

RD2 (Development in the Open Countryside)

RD14 (Agriculture and Forestry Buildings)

T2 (Access to Development)

**North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

**CONSULTATIONS**

**Highways:** No objection.

**TOWN COUNCIL**

We do not support this application as the building is not suitable for its intended use.

**PUBLICITY**

Advertised by site notice and adjoining properties notified. Three letters of objection have been received and two letters of support have been submitted with the application. The letters of objection raise the following issues:

- unsuitable for disabled access and no electric or clean water supplies, no toilets on the site
- unauthorised activities taking place on the plots
- no facilities on the site
- applicant requires a toilet, kitchen area, running water and overnight facilities
- solar panels will require a mains supply
- visually the site is an eyesore in the open countryside
- the building is visible from Ermine Street
- the existing building is already a good size for the intended use
- the building is to be used as a land skills program and work experience for the disabled which will require additional facilities and plot is not large enough to accommodate the proposed use
- no parking available on Leys Lane.

## ASSESSMENT

**The applicant has recently decided to appeal against non-determination of this planning application. As a result of the notification of this appeal, the council cannot now determine the application. However, the assessment below sets out the planning issues relating to the site with the council's recommendation if the application could have been determined by the council.**

Permission is sought to retain a large shed on the site. The application is retrospective as the building is already installed on the site and is substantially complete. The shed is located on the northern part of the application site adjacent to a substantial hedge located on the northern boundary of the site. The shed is approximately 10 metres long and 5 metres wide. The building has a corrugated roof and will be clad with pine wood. The applicant intends to grow fruit and vegetables on the site and other small plants and carry out seeding, potting, storage and general tending of the plants in the portacabin. The applicant has a disabled daughter whose education is coming to an end. The applicant wishes to provide a place for his daughter and friends where they can experience a productive environment safely. The applicant wishes to allow anyone with special needs with their assistant to carry out duties such as planting, seeding, compost manufacture and general site maintenance. Mains water is available on the site and rainwater would be harvested and stored on the site. Electricity would be sourced from a generator and solar panels. The applicant considers that the shed would be sufficient to store all equipment required.

The site is located outside the development boundary of Winterton within the open countryside. The site comprises a number of plots which were subdivided from the existing agricultural fields around 2006 and were subsequently sold off as individual plots to private individuals. Plot 22 is located within the main body of the allotment plots, some distance away from Leys Lane. The site is accessed from Leys Lane through a locked gate where vehicles can access the plots. Leys Lane is a narrow lane with restricted width and therefore on-street parking along Leys Lane is limited.

**The main issues associated with this proposal are whether the building is acceptable in principle, and if so, whether the impact of the building and its use on the amenity of the locality and neighbours is acceptable, and whether the proposal is acceptable in highway terms.**

The site is located within the open countryside and is being used as an allotment which is an agricultural use that is acceptable in the open countryside. The building on the site is required in connection with an appropriate open countryside activity and is required to provide a place to store equipment, tend to the growing of fruit, vegetables and plants on the site and to provide a place of shelter. The proposal therefore accords with policies CS1, CS2 and CS3 of the Core Strategy and policy RD2 of the North Lincolnshire Local Plan.

In terms of the visual appearance of the building, the application site is located some distance from Leys Lane and is bounded by other allotment plots. Substantial boundary hedging screens much of the building from view. There are various other buildings on other plots adjacent to this site, and it is therefore not considered that the building will be out of character with the area. The proposal will therefore not result in any demonstrable harm being caused to the visual amenity of the locality. The building is located a considerable distance from the nearest residential property which is over 100 metres away. As a result no loss of residential amenity will be caused by the retention of this building. The proposal

therefore accords with policy CS5 of the Core Strategy and policies RD2, RD14 and DS1 of the North Lincolnshire Local Plan.

In terms of access, Highways have raised no objections to the proposal. The site can be accessed by vehicles and parking is available within the site and on the access route that serves the individual plots. The number of vehicles visiting the application site is unlikely to result in parking along Leys Lane as on-street parking along Leys Lane is limited due to its narrow width. The proposal therefore accords with policy T2 of the North Lincolnshire Local Plan.

The applicant's aspirations to allow his daughter and her friends and other adults with special needs to visit the site and carry out various duties related to the growing and harvesting of plants on the site are noted. The applicant has not indicated in his supporting letter that he intends to provide overnight accommodation in the building and has not specified if any facilities will be provided within the building itself. The provision of a toilet and kitchen area inside the building would not require planning permission providing that the building was used as a shed ancillary to the agricultural use of the site. Planning conditions can be used to ensure that that no trade or business is carried out from the site or from the building, that no overnight accommodation is permitted within the building, and that the building is used ancillary to the agricultural use of the site.

The issue raised by an objector that the site is unsuitable for disabled people due to lack of facilities is noted. Paragraph 69 of the National Planning Policy Framework (NPPF) advises that the planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decisions should aim to achieve places which promote opportunities for meetings between members of the community who might not otherwise come into contact with each other. This application accords with this advice. It is accepted that unauthorised buildings and activities have/are taking place on the site and applications are/have been sought to regularise the situation. The applicant is not intending to install any other buildings on the site. An informative on the permission will inform the applicant that any additional buildings on the site will require planning permission.

**RECOMMENDATION**      **Minded to grant permission subject to the following conditions were North Lincolnshire Council the determining authority:**

1.

The development hereby permitted shall be carried out in accordance with the following approved plans: site plan, location plan and photographs date stamped 17 August 2016.

Reason

For the avoidance of doubt and in the interests of proper planning.

2.

The building hereby permitted shall be used ancillary to the agricultural use of the site and for no other purpose(s) without the prior approval in writing of the local planning authority.

Reason

In order to regulate and control development on the site as the site is located within the open countryside where development is strictly controlled under policies CS3 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

3.

No trade, business or profession shall be carried out from the site or the building without the prior approval in writing of the local planning authority.

Reason

In order to regulate and control development on the site as the site is located within the open countryside where development is strictly controlled under policies CS3 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

4.

No overnight accommodation shall be provided within the building without the prior approval in writing of the local planning authority.

Reason

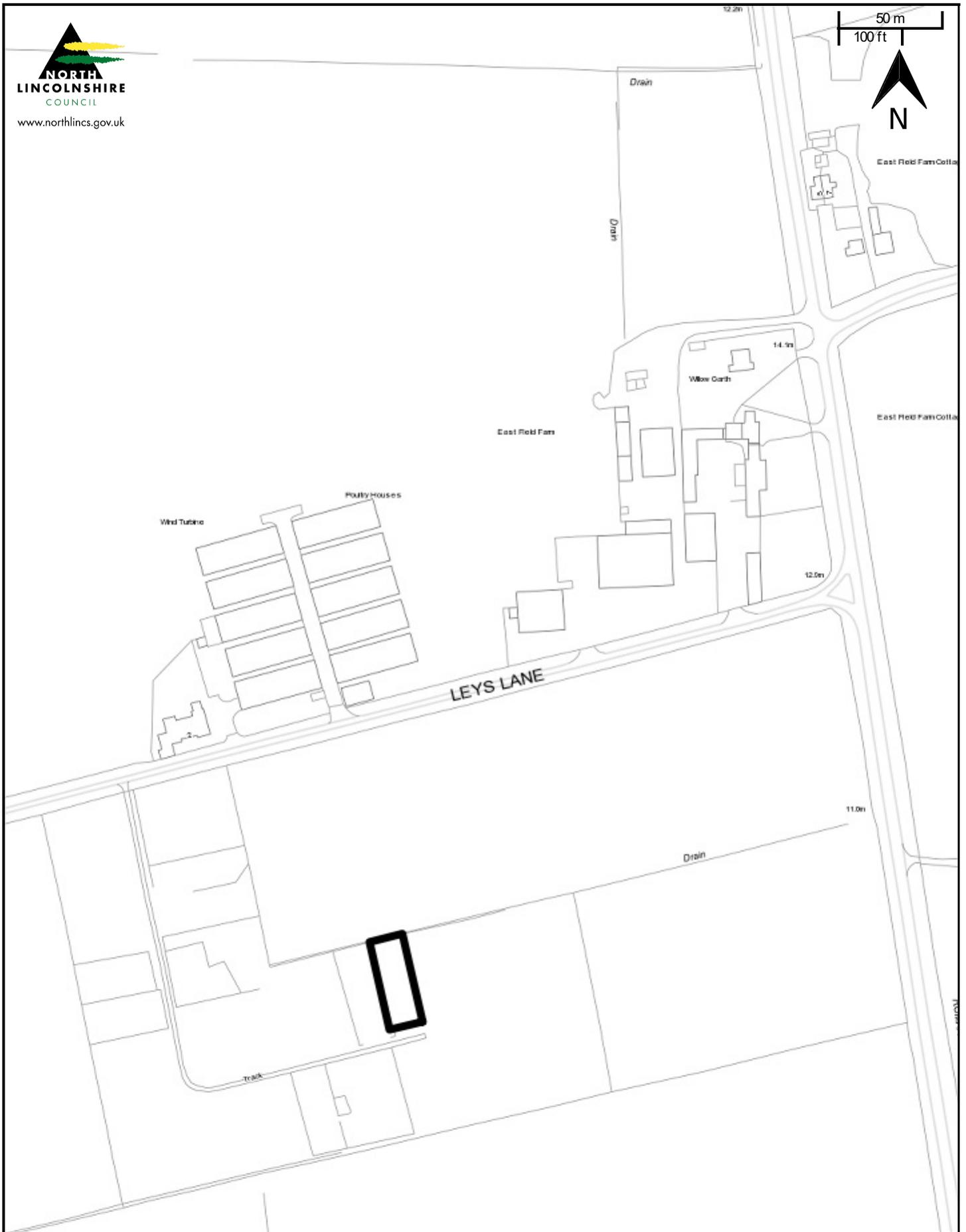
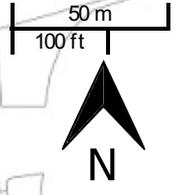
In order to regulate and control development on the site as the site is located within the open countryside where development is strictly controlled under policies CS3 of the Core Strategy and RD2 of the North Lincolnshire Local Plan.

**Informative 1**

The applicant is advised that any additional buildings on the site will require planning permission.

**Informative 2**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



Application Site

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PA/2016/1346

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PA/2016/1346 Photographs



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Official copy of  
title plan

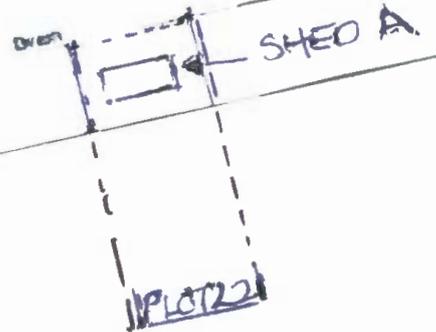
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Scale 1:1250 enlarged from 1:2500  
Administrative area North Lincolnshire



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Robinson Buildings

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DEVELOPMENT CONTROL SECTION  
17 AUG 2016  
DATE RECEIVED  
Referred To