

<b>APPLICATION NO</b>	<b>PA/2009/0934</b>
<b>APPLICANT</b>	Mr M B Fennimore
<b>DEVELOPMENT</b>	Planning permission to retain the change of use of land as an extension to the rear residential garden
<b>LOCATION</b>	Linford Chase, 48 Bigby High Road, Brigg
<b>PARISH</b>	<b>BRIGG</b>
<b>WARD</b>	Brigg and Wolds
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Contrary to policy
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> No specific policies apply.</p> <p><b>North Lincolnshire Local Plan:</b> Policy ST3 (Development Limits) states that development outside development limits will only be permitted if it essential for the purposes of agriculture or to meet a special need associated with the countryside.</p> <p>Policy RD2 (Development in the Open Countryside) states that development in the open countryside will be strictly controlled. Only development that is essential or cannot reasonably be accommodated within the development boundary should be permitted.</p>
<b>CONSULTATIONS</b>	<b>Highways:</b> No objections.
<b>TOWN COUNCIL</b>	No response.
<b>PUBLICITY</b>	Neighbouring properties have been notified. No representations have been received.
<b>ASSESSMENT</b>	<p>Permission is being sought to retain the use of agricultural land as garden. The existing house and its original garden are within the settlement boundary, however the land that has recently been incorporated into the residential curtilage is in open countryside.</p> <p><b>The main issue to be considered when determining this application is whether the use of this land as</b></p>

**garden has an adverse impact on the character and appearance of the open countryside.**

Planning permission has already been refused twice and one appeal dismissed to retain this small parcel of land as garden for 48 Bigby High Road, as it was considered inappropriate to allow the extension of a residential use into open countryside on the settlement edge. However, a subsequent appeal decision on an adjacent site for the retention of a similar area of garden land was allowed, and, in total, four dwellings in this road have now been given permission to extend their garden beyond the development limit (44, 46, 50 and 52 Bigby High Road). A similar application at 54 Bigby High Road is currently under consideration and appears elsewhere on this agenda (PA/2009/1082).

The current proposal lies between other extended gardens. It is therefore considered that, although the extension of garden land into open countryside is contrary to policy and not to be encouraged, in this particular case, due to other permissions on adjacent land, in isolation, this change of use is not harmful to the character of the area. Conditions are needed, however, to ensure that no buildings are erected on the land to preserve its open character.

**RECOMMENDATION**

**Grant permission subject to the following conditions:**

1.

The land shall be laid to grass only and no buildings, permanent structures or other domestic features or paraphernalia shall be erected, installed or otherwise located there.

**Reason**

In the interests of the character and appearance of the area in accordance with policy RD2 of the North Lincolnshire Local Plan.

2.

Notwithstanding the provisions of Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 or any order revoking and re-enacting that order, with or without modification, no development usually allowed by that order shall be carried out without a further permission being granted.

Reason

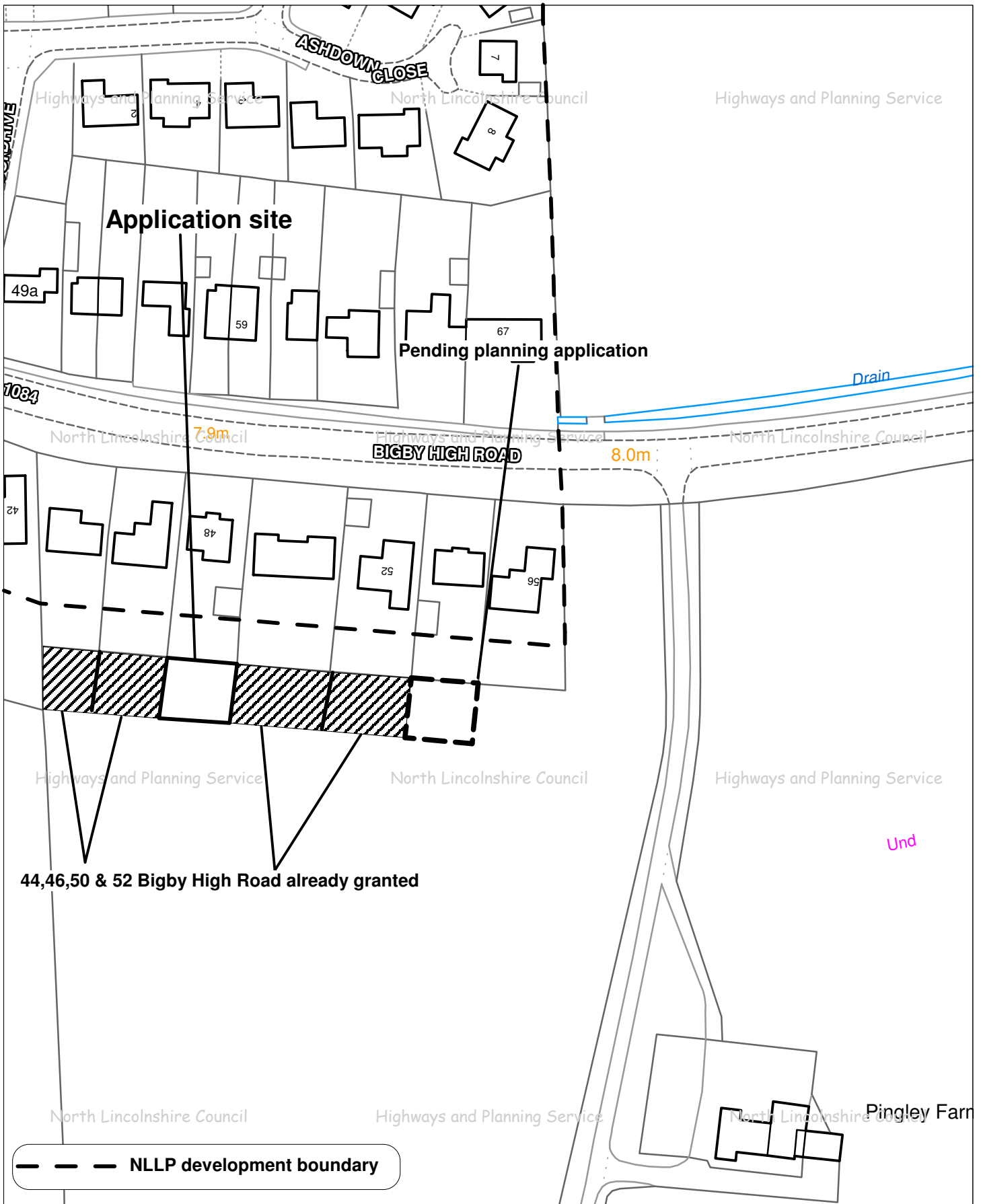
In the interests of the character and appearance of the area in accordance with policy RD2 of the North Lincolnshire Local Plan.

3.

The boundary treatment shall not exceed 1 metre in height and shall comprise hedging of indigenous species and/or fencing of traditional Lincolnshire style. Details of the proposed boundary treatment shall be submitted to and approved in writing by the Local Planning Authority within two months of the date of this permission. The scheme so approved shall be implemented in the earliest available planting season after the date of this decision and thereafter retained.

Reason

In the interests of the character and appearance of the area in accordance with policy RD2 of the North Lincolnshire Local Plan.



Drawing Title: 2009/0934

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**Highways and Planning Service**  
 Service Director,  
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