

<b>APPLICATION NO</b>	<b>PA/2009/0982</b>
<b>APPLICANT</b>	Mr W Smith
<b>DEVELOPMENT</b>	Outline planning permission to erect a dwelling
<b>LOCATION</b>	Cottages 1 and 2, The Grove, Trent Side, Amcotts
<b>PARISH</b>	<b>AMCOTTS</b>
<b>WARD</b>	Axholme North
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Applicant request to address the committee Objection by Amcotts Parish Council
<b>POLICIES</b>	<p><b>National Planning Guidance:</b> Planning Policy Statement 25: Development and Flood Risk states that development within Flood Risk Zone 3a 'high probability' shall be assessed against the sequential test and exception test to decide whether the site is suitable for more vulnerable development such as a new dwelling. It also states that a PPS25 compliant Flood Risk Assessment should be submitted to demonstrate that the proposed development is safe from flooding without increasing flood risk elsewhere.</p> <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 boundaries will be considered as development in the open countryside and will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the countryside.</p> <p>The site is located outside the development boundary for Amcotts and as such is in the open countryside. Policy RD2 (Development in the Open Countryside) restricts the granting of planning permission to proposals which are essential to the efficient operation of agriculture or forestry, appropriate employment and related development, affordable housing to meet a proven local need, essential for the provision of outdoor sport and recreation or the re-use of existing buildings.</p>

Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside) states that proposals to replace dwellings in the open countryside will only be permitted provided that:

- (i) the replacement dwelling would not exceed the volume of the original dwelling which it is to replace by more than 20%, exclusive of the normal permitted development rights, and would not be substantially higher in elevation;
- (ii) all new construction is of a high standard of design and in particular reflects the architecture of the building and/or reflects the vernacular styles in the locality; and
- (iii) the appearance or use of the dwelling as replaced will not adversely affect the amenity of local residents or the appearance of the locality.

Buildings that are in ruins, sites of former dwellings and temporary or mobile structures used as dwellings are not considered as dwellings for the purposes of this policy.

## **CONSULTATIONS**

**Highways:** No comments received.

**Yorkshire Water:** No comments or objections.

**Environment Agency:** Object on the grounds that the sequential test has not been passed and that a PPS25 compliant Flood Risk Assessment has not been submitted.

## **PARISH COUNCIL**

Object on the grounds that if planning permission is granted it would set a precedent for further development to take place and that the proposed development is out of keeping with nearby residential properties.

## **PUBLICITY**

Neighbouring properties have been notified. No letters of comment or objection have been received.

## **ASSESSMENT**

The application site is located outside the development boundary for Amcotts, on the bank of the River Trent. There are several small single-storey buildings on the site, two of which were used as dwellings at one time. The site is accessed off Trent Side via an existing grass track.

It is proposed to demolish the existing, linked, single-storey buildings and replace them with a detached three-bedroomed house. This is a resubmission of a previous

application (PA/2008/1434), which was refused planning permission by the Planning Committee on 3 December 2008 because the applicant failed to demonstrate that the building had been previously used as a dwelling, and because the buildings have been unoccupied and ill-maintained for such a length of time that any previous residential use has been abandoned. Hence it could not be treated as a replacement dwelling and was therefore considered to be contrary to policies RD2 and RD10 of the North Lincolnshire Local Plan.

**The key issue in the determination of this planning application is whether or not the buildings on site can be considered as existing dwellings to enable them to be judged against policy RD10 (Replacement Dwellings in the Open Countryside) of the North Lincolnshire Local Plan.**

There are features within the buildings, such as fireplaces and the layout of rooms, which substantiate the claim that the buildings were at one time used as dwellings. The applicant also makes reference to the deeds for the site, which confirm that the buildings were originally dwellings. It is reasonable, therefore, to conclude that the buildings were used as dwellings at some time in the past.

However the buildings are in a considerable state of disrepair and no longer resemble dwellings, but instead look like old agricultural outbuildings. Large portions of the walls and the vast majority of the roof of the structures have been replaced by corrugated metal sheeting. This sheeting is rusty and has clearly been in place on the buildings for many years. The brickwork that remains is old and does not look structurally sound. It is obvious upon viewing the site that the buildings have not been used for many years and are in a totally uninhabitable state.

Although there is some evidence that they were originally dwellings, it is considered, due to the considerable length of time that the buildings have been unoccupied and because they have been left derelict and not maintained as residential structures, that the residential use of the buildings has been abandoned. Therefore they cannot be considered as existing dwellings for the purposes of policy RD10 of the North Lincolnshire Local Plan and the proposal must be judged as a new dwelling in the open countryside.

As the proposed development is considered to be a new dwelling in the open countryside then the sequential test

of PPS25 needs to be applied. The sequential test in PPS25 is applied to development in flood risk areas to identify whether there are any other sites within North Lincolnshire that are at less risk of flooding, are developable and could reasonably accommodate a new dwelling. It should be noted that the proposed development fails the sequential test of PPS25 as there are sites within North Lincolnshire that are at lesser risk of flooding and available to reasonably accommodate a new dwelling.

Additionally, had the development passed the sequential test, it would still be subject to the exceptions test as set out in PPS25. The exceptions test is applied to development in flood risk areas to identify whether the development would provide wider sustainability benefits to the community that outweigh the flood risk and should ensure that the Flood Risk Assessment demonstrates that the development would be safe, without increasing flood risk elsewhere, and, where possible, would reduce flood risk overall. The proposed development would fail the exceptions test of PPS25 as a new dwelling on the site would provide no wider community benefit to outweigh the risk of flooding.

Furthermore the Environment Agency has confirmed that the Flood Risk Assessment submitted with the planning application does not comply with PPS25.

## **RECOMMENDATION**

### **Refuse permission for the following reasons:**

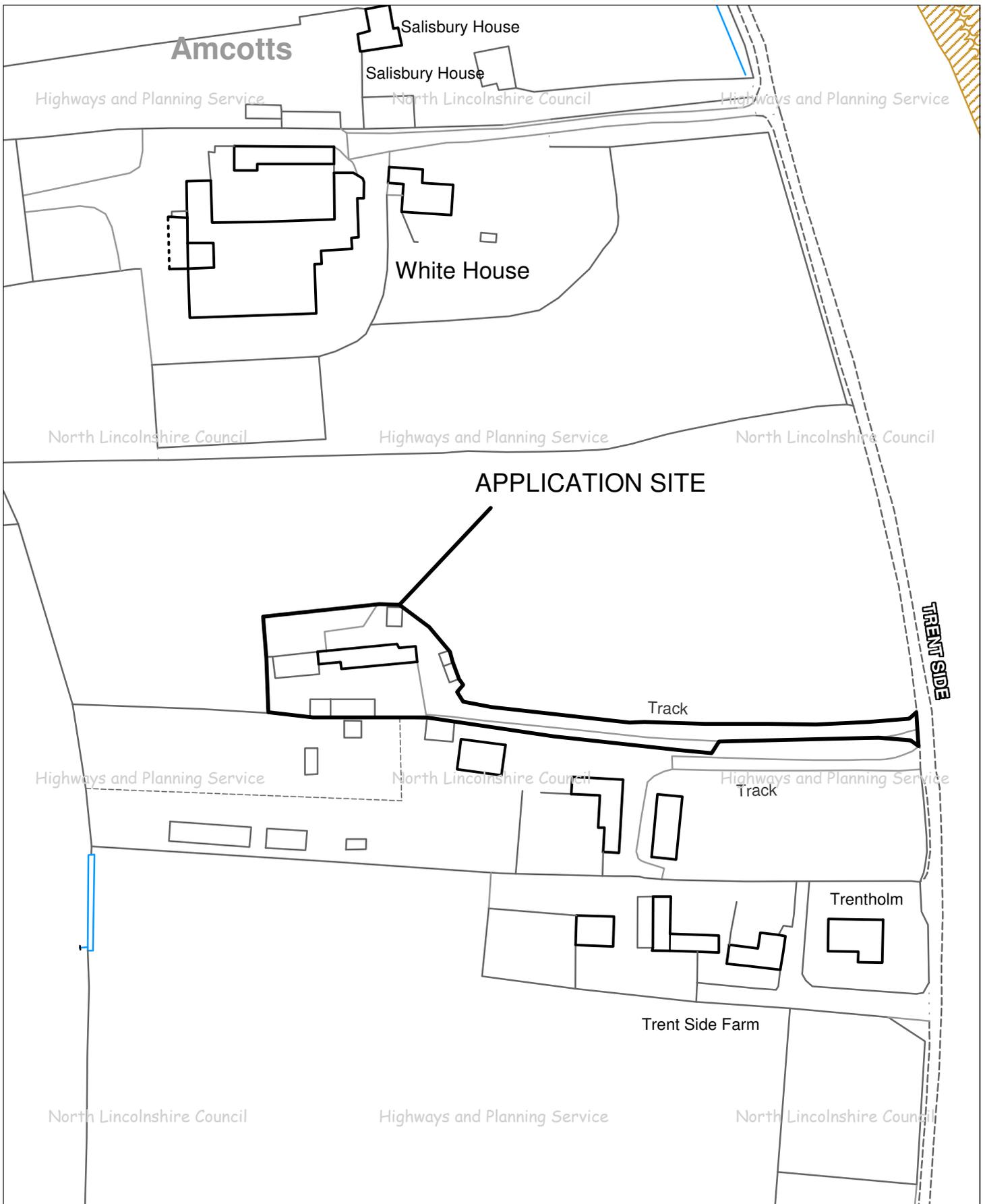
1.  
The local planning authority considers that the building has been vacant, derelict and insufficiently maintained for a substantial period of time and as such any previous residential use of the property has been abandoned. Therefore the proposal is contrary to policies RD2 (Development in the Open Countryside) and RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside) of the North Lincolnshire Local Plan.
2.  
Further to the above reason, the proposal would constitute a new dwelling in the open countryside which is not essential for the operation of an agricultural or forestry business and as such is contrary to policy RD2 (Development in the Open Countryside) of the North Lincolnshire Local Plan.

3.

The proposed development is classified as 'more vulnerable' in Table D2 of PPS25 and the site is within Zone 3ii - high vulnerability area - as defined on the Strategic Flood Risk Assessment for North Lincolnshire. The applicant has failed to demonstrate that the proposed development complies with Paragraph E3 in Annex E and paragraph G2 of PPS25 where the Flood Risk Assessment should provide details of breach analysis and overtopping analysis for the site. The proposals are therefore contrary to policy DS16 (Development and Flood Risk) of the North Lincolnshire Local Plan and the requirements of Planning Policy Statement 25.

4.

The proposed development is classified as 'more vulnerable' in Table D2 of PPS25 and the site is located within Zone 3ii as defined on the Strategic Flood Risk Assessment for North Lincolnshire. The development will only be allowed where it passes a sequential and an exceptions test. It is considered that there are alternative sites in North Lincolnshire for residential development which is located in a lower flood risk zone. The proposal therefore fails the sequential test. The proposal also fails the exceptions test as it would not provide wider sustainability benefits to the community that outweigh the flood risk. The proposal is therefore contrary to policy DS16 of the North Lincolnshire Local Plan and advice given in PPS25.



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**Highways and Planning Service**

Service Director,  
G Pople

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