

APPLICATION NO	PA/2010/1000
APPLICANT	Mr G Jewitt
DEVELOPMENT	Planning permission for a replacement dwelling
LOCATION	Middle Manton, Manton
PARISH	MANTON
WARD	Ridge
SUMMARY RECOMMENDATION	Refuse permission
REASONS FOR REFERENCE TO COMMITTEE	Member 'call in' (Councillor Poole – significant public interest)

POLICIES

Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply.

North Lincolnshire Local Plan: Policy RD10 (Replacement, Alteration and Extensions to Dwellings in the Open Countryside) states that proposals to replace, extend or alter 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) the volume of the proposed extension or alteration does not exceed that of the original dwelling by 20%, exclusive of the normal permitted development rights, and the original dwelling forms the dominant visual feature of the dwelling as extended;
- (iii) all new construction is of a high standard of design and in particular reflects the architecture of the building and/or vernacular styles in the locality; and
- (iv) the appearance or use of the dwelling as replaced, extended or altered will not adversely affect the amenity of local residents or the appearance of the locality.

Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal:

- (i) the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area
- (ii) the design and layout should respect and, where possible, retain or enhance the existing landform
- (iii) no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing

- (iv) amenity open space should be retained where possible
- (v) no pollution of water, air or land should result.

CONSULTATIONS

Highways: No objections.

PARISH MEETING

No objections to the proposal.

PUBLICITY

Notice of the application has been displayed near the site. No comments have been received.

ASSESSMENT

Planning permission is sought for a replacement dwelling at Middle Manton. The existing buildings on the site consist of three former workers' cottages, which have remained disused since 1980 and are now in a state of disrepair. The site is in an isolated location, the nearest settlement being the hamlet of Manton 1km to the south.

The main issue to consider in the determination of this application is whether or not the existing buildings have been abandoned due to the length of time they have been left unoccupied and the level of damage that has occurred to the buildings over time.

The issue of abandonment has been the subject of numerous appeals in the past which has resulted in four tests that are deemed to be appropriate in assessing such cases, the four tests being:

- the owner's intentions for the building;
- the physical condition of the building;
- the period for which the building has been unused as a dwelling; and
- whether the building has been in use for any other purpose.

The answers to these four questions are given below.

The owner's intentions for the building

The applicant states in his D&A that it was always the owner's intention to develop the properties since they were vacated in the late 1970s; it was only because money needed to be spent to bring them up to a modern habitable standard that prevented the works being carried out. However, the council would contend that this does not make it clear that the applicant 'always' intended to develop the properties. Indeed in a recent appeal decision in Cornwall (APP/Q0830/X/07/2045570) the inspector noted that he would "normally have expected that the site would have been at least fenced off and some attempt made to protect the property from the deterioration in terms of boarding up windows and the protecting the exposed walls from water penetration", thus the inspector notes that "owners

intentions were not made clear". In the opinion of the local planning authority, no attempt has been made to protect the site or the properties.

The physical condition of the building

There has been considerable structural damage to the building, with significant parts of the roof collapsing and evidence contained within the structural report detailing collapsed floors and walls. Because of the lack of any form of maintenance, the walls have deteriorated and most of the internal plastering has crumbled away. Therefore, because of the physical condition of the structure, the local planning authority firmly believes that the residential use has long since been abandoned. There is case law to support this presumption as noted above.

The period for which the building has been unused as a dwelling

The applicant states that the former dwellings were vacated in the late 1970s. As such the buildings could have been left empty for more than 30 years. This is a significant period of time and in that time no effort has been made to maintain the property; the local planning authority is therefore of the opinion that the residential use has been abandoned. Again, there is case law to support this position as quoted above and in APP/W4705/A/06/2027920 in Keighley.

Whether the building has been in use for any other purpose

The applicant has stated that there has been no intervening use of the building and the local planning authority does not dispute this finding, other than it further supports the notion that residential use has been abandoned.

Other material considerations

In all other respects the proposal fully accords with planning policies RD10 and DS1. Due to the isolated location, there are no concerns with privacy etc, perhaps the only talking point being the design philosophy for the proposal.

The design of the dwelling is, on the whole, to be commended for being a modern and imaginative proposal. It is rare for an authority to come across a proposal like this which has obviously been a source of real passion for the applicant. The design of the proposed replacement dwelling is a reflection of the work of the famed American architect Frank Lloyd Wright (images of his work are included below). There are obvious styling cues that have been picked up when designing the proposed new dwelling and whilst it could be construed that the introduction of a dwelling like this would be an 'alien' intrusion in the landscape, the local planning authority commend the applicant for this innovative approach.

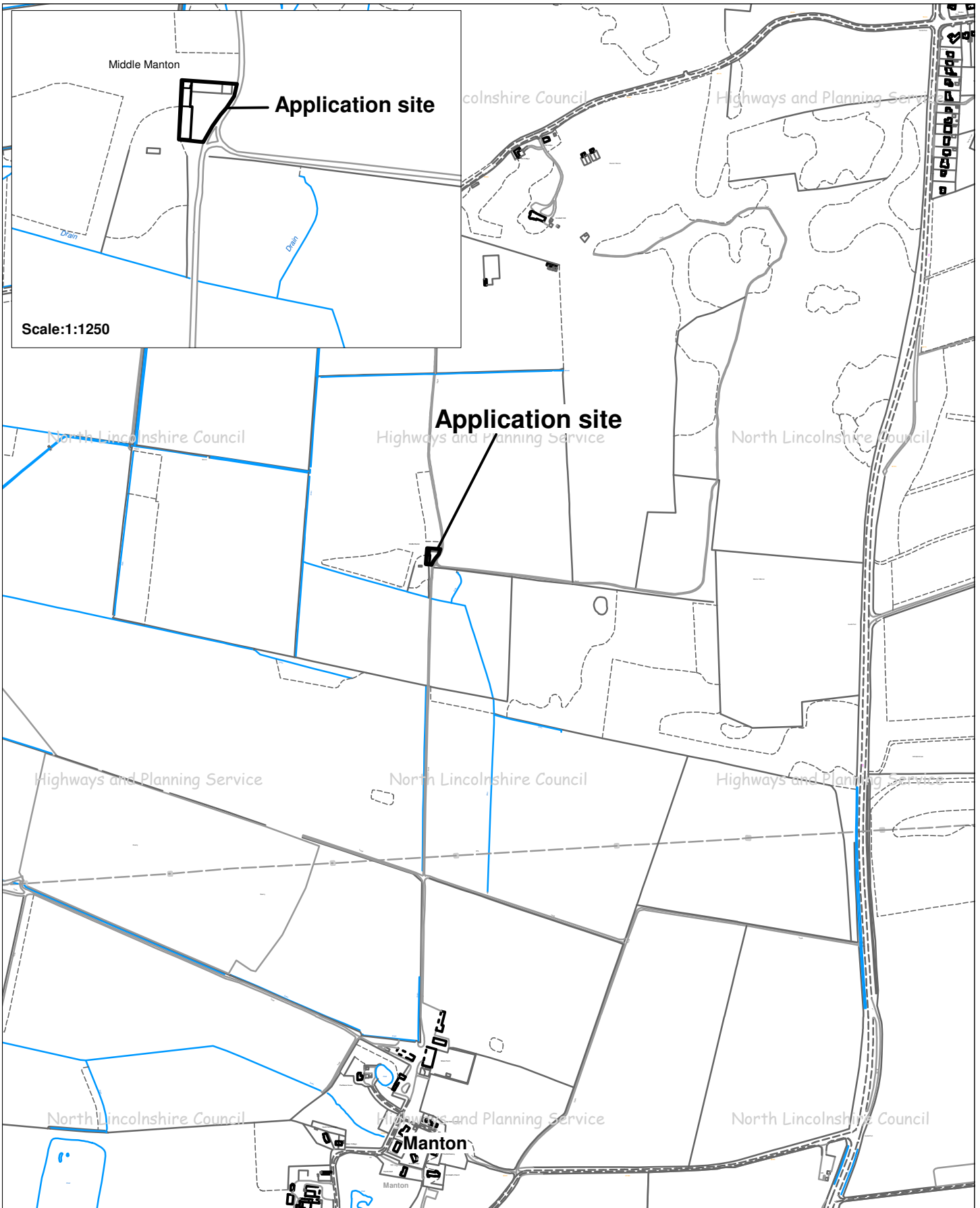




However, the issue of abandonment of the site has been clearly proven and it is on that basis that the application is recommended for refusal.

RECOMMENDATION Refuse permission for the following reasons:

1.
The council believes that the previous residential use of the site has been clearly abandoned and this proposal is to build a new house in the open countryside. The proposal is not for the purposes of housing an essential agricultural or forestry worker and is therefore considered contrary to policies RD10 and RD2 of the North Lincolnshire Local Plan.
2.
Furthermore, the site has not been used as a dwelling for over 30 years and there has been no attempt to preserve the use of the building in the intervening years, resulting in a building that has substantially collapsed. The council therefore firmly believes that the residential use of the site has been abandoned.



Drawing Title: 2010/1000

OS Grid Ref: SE93410386

Drawn by: KC

Scale: 1:10000

Date: 29/11/2010



Based upon the Ordnance Survey mapping with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown Copyright.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

NORTH LINCOLNSHIRE COUNCIL 0100023560 2010



Highways and Planning Service

Service Director,
G Pople

The Ordnance Survey map data included within this publication is provided by North Lincolnshire Council under license from Ordnance Survey in order to fulfil its public function to act as a highways and planning authority. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to license Ordnance Survey map data for their own use.