

<b>APPLICATION NO</b>	<b>PA/2010/1117</b>
<b>APPLICANT</b>	Mr J Barry
<b>DEVELOPMENT</b>	Planning permission to change the use of an observatory/health club to a dwelling
<b>LOCATION</b>	Winterton Observatory, Top Road, Winterton
<b>PARISH</b>	<b>WINTERTON</b>
<b>WARD</b>	Burton Stather and Winterton
<b>SUMMARY RECOMMENDATION</b>	<b>Refuse permission</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Applicant request to address the committee

## **POLICIES**

**North Lincolnshire Local Plan:** Policy ST2 (Settlement Hierarchy) – development will take place in accordance with a settlement hierarchy.

Policy ST3 (Development Limits) – the site lies outside the development boundary of Winterton within the open countryside. Development within the open countryside will only be permitted if it is essential for the purposes of agriculture, forestry or to meet a special need associated with the open countryside.

Policy H1 (Housing Development Hierarchy) – in the open countryside residential development will only be permitted where it is essential to enable agriculture and forestry workers to live at or near their place of work, or in other circumstances where there is special justification.

Policy H3 (Previously Used Land) – development will only be permitted if the proposal is located on previously used land within the existing development boundary and limited to three dwellings.

Policy H5 (New Housing Development) – housing development will be permitted if located within development boundaries and subject to strict criteria being fulfilled.

Policy RD2 (Development in the Open Countryside) – development in the open countryside will be strictly controlled. This policy lists the type of development considered to be acceptable within the open countryside.

Policy RD9 (Re-use and/or Adaptation of Rural Buildings for Residential Use in the Open Countryside) – proposals for the conversion of a rural building in the open countryside will only be permitted subject to strict criteria being fulfilled.

Policy DS1 (Development Standards) – this policy provides general design guidance for all new development.

## **CONSULTATIONS**

**Highways:** Do not wish to restrict the grant of planning permission.

## **TOWN COUNCIL**

Object to this becoming residential as it is outside the development area for Winterton.

## **PUBLICITY**

Advertised by two site notices displayed close to the site. No neighbours have been notified as there are none in the immediate vicinity. One objection has been received on the grounds that the property has been used as a dwelling and no action has been taken. Two emails of support have been received as the application will improve the building and the area, and will re-use an existing and unique building which complies with policy RD2 of the North Lincolnshire Local Plan.

## **ASSESSMENT**

This proposal is for the change of use of the observatory and health club to a dwelling. No external alterations are proposed as part of the scheme.

**The main issue associated with the scheme is whether it is acceptable in planning policy terms.**

The site was originally granted planning permission for the change of use of an existing disused electricity substation to an observatory and health club and the erection of a security fence (7/1994/0655). In 2007 planning permission was granted to retain the pitched roof on the building (PA/2007/1070). The applicant now wishes to use the building as a dwelling.

Concerns from the objector are noted. However, an officer has inspected the building in the past in relation to complaints that the building was being used as a dwelling. These investigations concluded that no breach of planning control was occurring on the site.

The site is located outside the development boundary of Winterton. It is an isolated site within the open countryside and in a prominent location close to the A1077, and has views over the surrounding countryside and the River Humber. Under policies ST2, ST3, H1 and H5 residential development will only be permitted if it is essential for agriculture or forestry or to meet a special need associated within the open countryside. The building is not required for agriculture or forestry purposes and no evidence has been put forward to suggest the dwelling is required for a special need associated with the open countryside. The proposal is therefore contrary to policies ST2, ST3, H1 and H5 of the North Lincolnshire Local Plan.

The building alterations were begun in 1995. Under the terms of policies RD2 and RD9 it is not considered that the building is of architectural or historic importance to the rural scene. It is a modern building of an interesting design as it was used as an observatory. However, an 'interesting design' is not considered sufficient under the terms of policy RD2 and RD9 to allow conversion to residential use. In addition, the building cannot be considered a building of historic importance. It is therefore contrary to policies RD2 and RD9 of the North Lincolnshire Local Plan.

The applicant claims to have bought the building at auction where it was advertised as a dwelling. This is unfortunate but is not sufficient reason to permit the building to be converted to a dwelling when there are fundamental planning policy objections to the proposal.

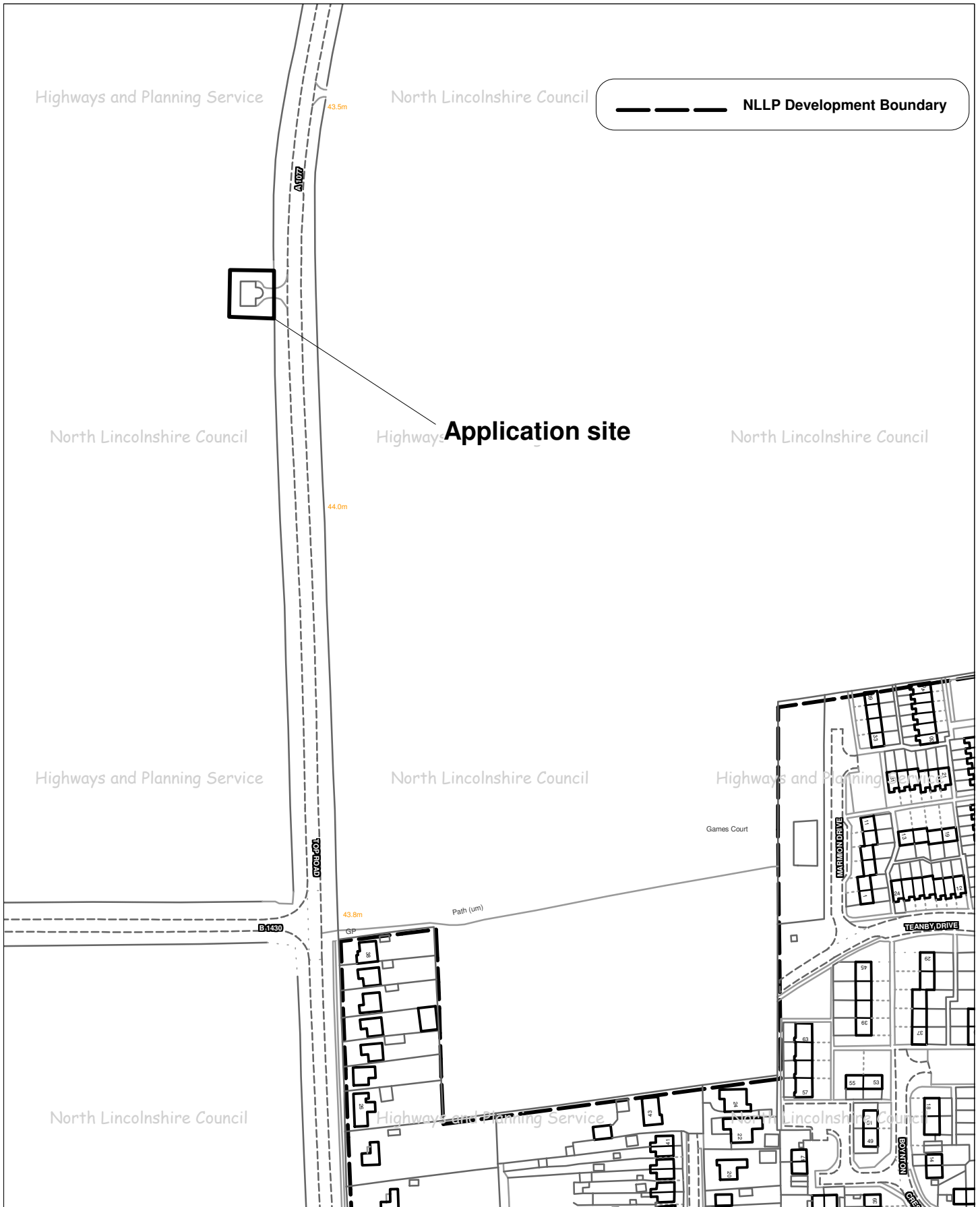
**RECOMMENDATION      Refuse permission for the following reasons:**

1.

The site is located outside the development boundary of Winterton within the open countryside. The proposal is not essential for the purposes of agriculture or forestry or to meet a special need associated with the countryside. It is therefore contrary to policies ST2, ST3, H1, H3 and H5 of the North Lincolnshire Local Plan.

2.

The site is located outside the development boundary of Winterton within the open countryside. It is considered, due to the design and age of the building and the fact that it is of limited architectural or historic importance to the rural scene, that it is unsuitable for residential conversion. The proposal is therefore contrary to policies RD2 and RD9 of the North Lincolnshire Local Plan.



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**Highways and Planning Service**

Service Director,  
G Pople

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