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| APPLICATION NO | PA/2008/1434 |
| APPLICANT | Mr W Smith |
| DEVELOPMENT | Planning permission to erect a replacement dwelling (resubmission of PA/2008/0836) |
| LOCATION | Cottages 1 and 2, The Groves, Trentside, Amcotts |
| PARISH | AMCOTTS |
| WARD | Axholme North |
| SUMMARY RECOMMENDATION | Refuse permission |
| REASONS FOR REFERENCE TO COMMITTEE | Applicant request to address the committee |
| POLICIES | Regional Spatial Strategy for Yorkshire and the Humber: No specific policies apply. |

North Lincolnshire Local Plan: 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.

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.

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 objection subject to conditions.

Yorkshire Water: No comments or objections.

Environment Agency: No objection subject to conditions.

PARISH COUNCIL

No objection but have commented that the development should be limited to one dwelling and that the property should be limited to domestic use only.

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/2008/0836), which was refused planning permission in August 2008 under delegated powers 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.

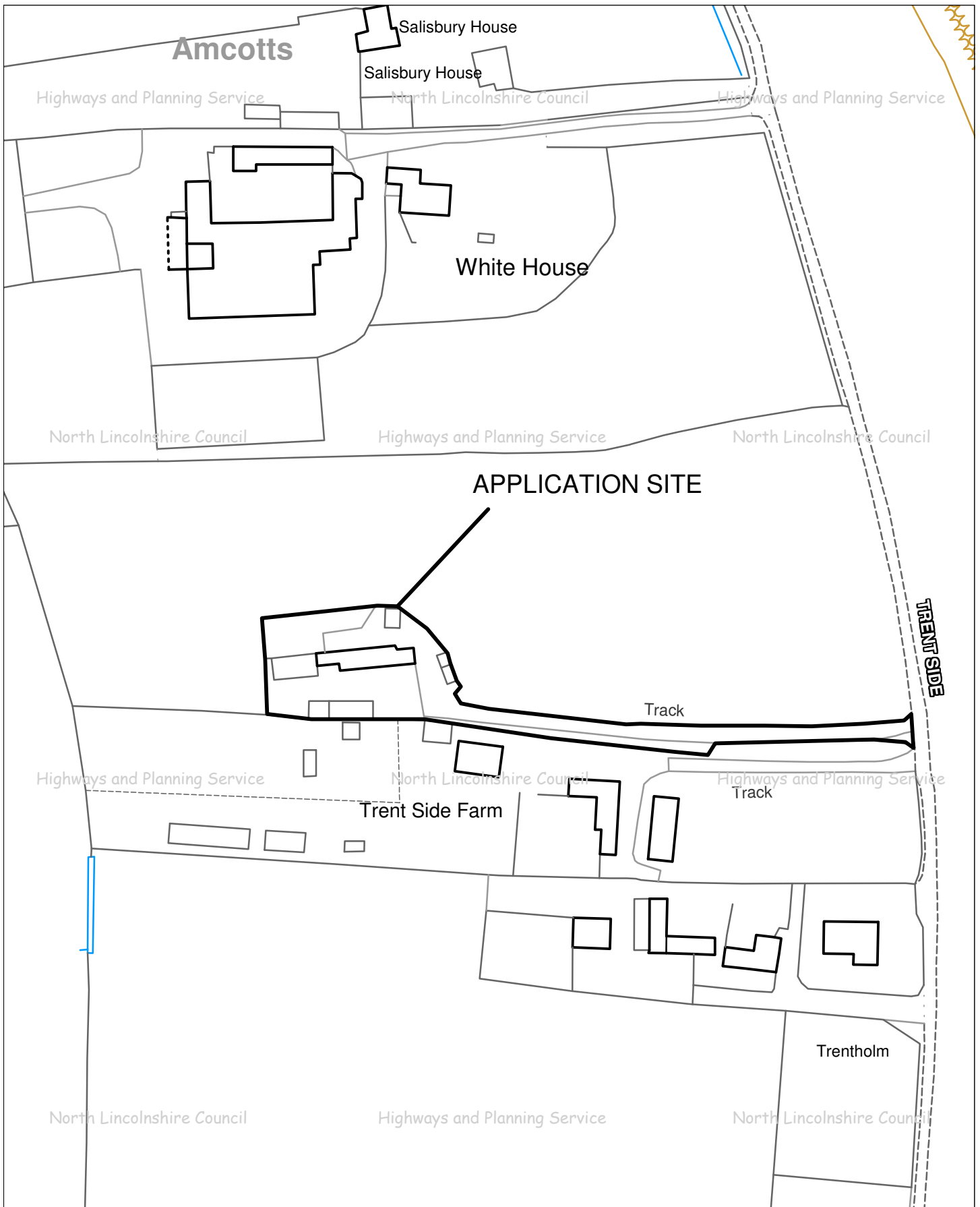
Although there is some evidence that they were originally dwellings it is considered, due to the considerable length of time that the buildings have been unoccupied and because they have been left derelict and not maintained as residential structures, that the residential use of the buildings has been abandoned. Therefore they can not 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.

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 and RD10 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 of the North Lincolnshire Local Plan.



Drawing Title: 2008/1434

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