

Planning Supporting Statement

on behalf of Fletcher Salads

Full planning application for the demolition of existing building and replacing with the erection of two dwellings with incidental garden space and vehicular parking

at Broadgate Nurseries, Gedney Broadgate, Spalding

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For and on behalf of Brown & Co.

Brown & Co is a leading provider of agency, professional and consultancy services across the whole range of rural, commercial, residential, and agricultural markets.

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Reference: AP043259

1. INTRODUCTION

1.1 This Planning Statement has been prepared by Brown & Co JHWalter to support a full planning application on behalf of Fletcher Salads for the demolition of an existing building and replacing with the erection of two new dwellings (C3 use) with incidental garden space and vehicular parking (more commonly known as a Class Q Fallback Application) at Broadgate Nurseries, Gedney Broadgate, Spalding.

1.2 The purpose of this statement is to set out the background to the applicant's proposals, the relevant planning policies and the key planning issues raised by them. The statement is structured as follows:-

- **Section 1:** Introduction
- **Section 2:** Describes the physical characteristics of the site and its surrounding;
- **Section 3:** Outlines the proposed development;
- **Section 4:** Summarises the relevant national and local planning policy context;
- **Section 5:** Provides a planning assessment of the key considerations raised by the proposal; and
- **Section 6:** Sets out in brief our overall conclusions of the proposal.

1.3 This statement should be read in conjunction with the following application documents submitted as part of the application:

- Planning Application Form
- Site Location Plan with red line/planning application area
- Existing Site Plan
- Proposed Site Plan
- Existing elevations of the agricultural building
- Proposed Floor Plans of the two proposed dwellings
- Proposed Elevations of the two proposed dwellings
- Flood Risk Assessment
- Ecological Survey

2. SITE & SURROUNDINGS

Characteristics of Site & Surroundings

2.1 The application site is currently in private ownership and located at Broadgate Nurseries in Gedney Broadgate, located approximately 2.1km to the south west of Long Sutton. The building to be demolished is situated on the eastern side in the southern half of a larger site, consisting of a traditional brick-built building, timber framed buildings and a range of glasshouses. The building has two existing vehicular accesses, one from Cade Drove from the north along an existing access track and the second through the main farmyard onto Bullocks Short Gate.

2.2 The site is immediately bordered by open arable fields to the north, east and south and to the west lies the applicant's other buildings with Bullock Short Gate beyond.

Site Planning History

2.3 There is an extant planning permission (SHDC Planning Reference: H06-0289-23) for the conversion of the traditional brick-built building to residential use together with the removal of the modern cold store building and three static caravans, establishing the principle of residential in this location. The rest of the buildings to the west remain unchanged, including the timber-framed buildings; glasshouses; and the applicant's neighbouring farmland.

2.4 The building which this application proposes to demolish and replace with the erection of two new dwellings, presently has prior approval for a change of use of existing agricultural building into 2 dwellings with associated works under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (SHDC Planning Reference: H06-0868-23). They would consist of two large dwellings, one with a floor space of 223 sqm and the second with a floorspace of 221 sqm, creating an overall total of 444 sqm.

3. THE PROPOSAL

3.1 The proposed development is for the demolition of an existing building with Class Q consent and replacing with the erection of two new-build dwellings (C3 use) with incidental garden space and vehicular parking (more commonly known as a Class Q Fallback Application) at Broadgate Nurseries, Gedney Broadgate, Spalding. The development has the following attributes:-

Access—The existing access to the north of the existing building from Cade Drove will be retained and utilised for the access for the proposed scheme.

Once within the site, the access will have a very similar access to that of the Class Q consent. It will be upgraded where necessary and will continue south to the two proposed new-building dwellings. Immediately to the north east of Plot 1 (northern plot), the access will split into two with one part heading west to provide a vehicular access and parking area for Plot 1 and the second part continuing south westwards. The section which continues south will provide a vehicular access and parking area for Plot 2 (southern plot) and then continues immediately to the east of Plot 2 to provide an access to the remaining agricultural field to the south of the plot.

The rest of the buildings to the west of the application site have now been sold and will be accessed from a separate existing access from Bullock's Short Gate to the west.

Layout—The proposed site layout plan overleaf shows the positioning of the two proposed new-build dwellings and has been carefully and sensitively designed which takes its design-ques from a traditional 19th Century “loose courtyard” shaped farmyard. Plot 1 will be positioned predominately on the footprint of the existing agricultural building which benefits from Class Q consent and will be demolished as part of the proposal. Plot 2 will be positioned within close proximity to the south of Plot 1.

Scale—The submitted plans, shown on the following pages, indicate that Plot 1 will be designed as a traditional two-storey farmhouse with a single-storey side extension designed as a traditional cart-shed.

Plot 2 will be designed as two-storey traditional threshing barn style and takes many of its design-ques from the existing building which benefits from Class Q consent and will be demolished as part of the proposal.

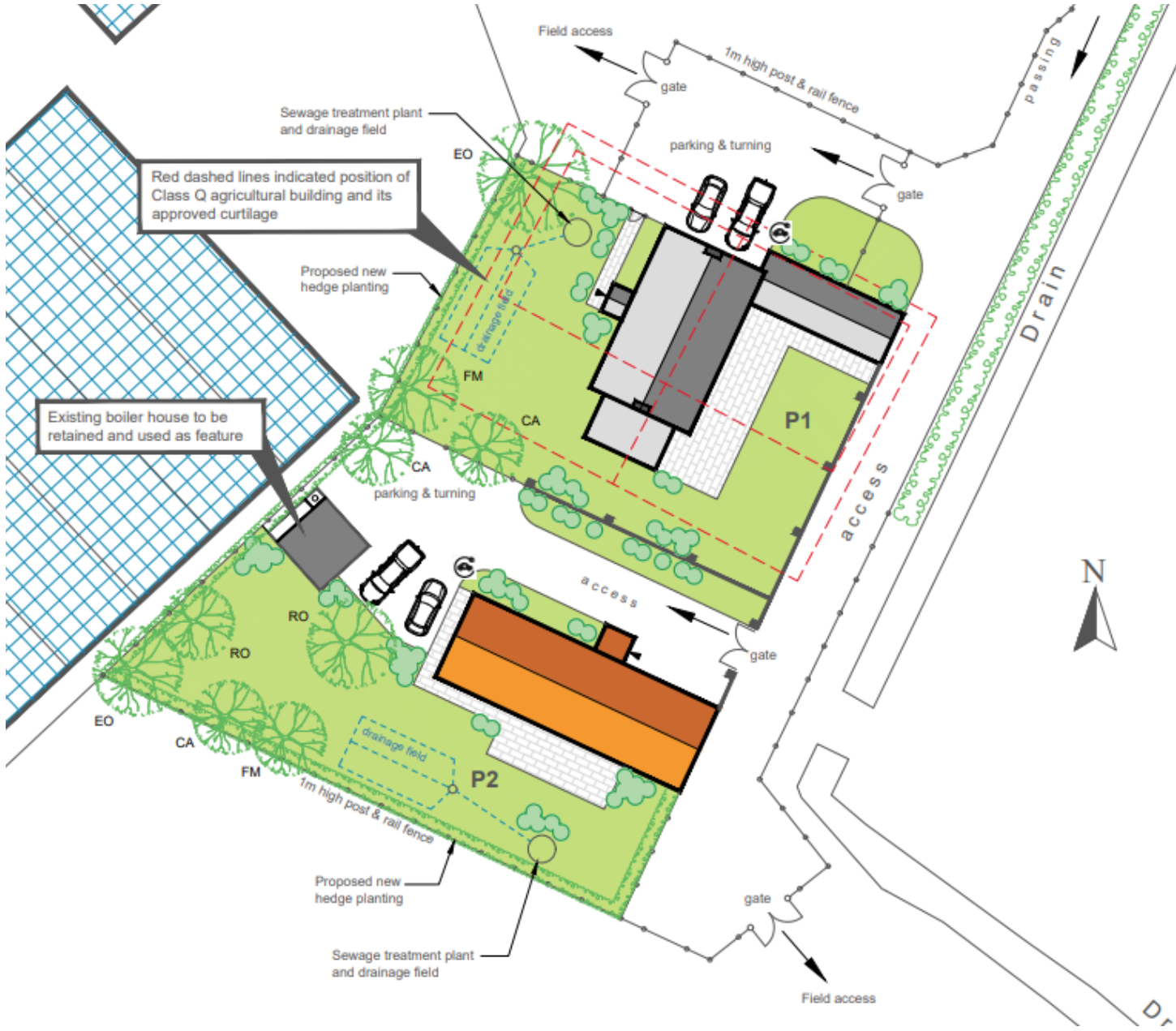
Landscaping—The existing agricultural building which benefits from Class Q consent will be demolished and replaced with the two new-build dwellings. It is envisaged there will be proposed landscaping immediately to the west of Plot 1 and immediately to the south and west of Plot 2 in the form of wooden fencing, hedgerow/tree planting and wild flower mixes.

A vehicular parking areas will be created immediately to the north of Plot 1 and to the north and north west of Plot 2.

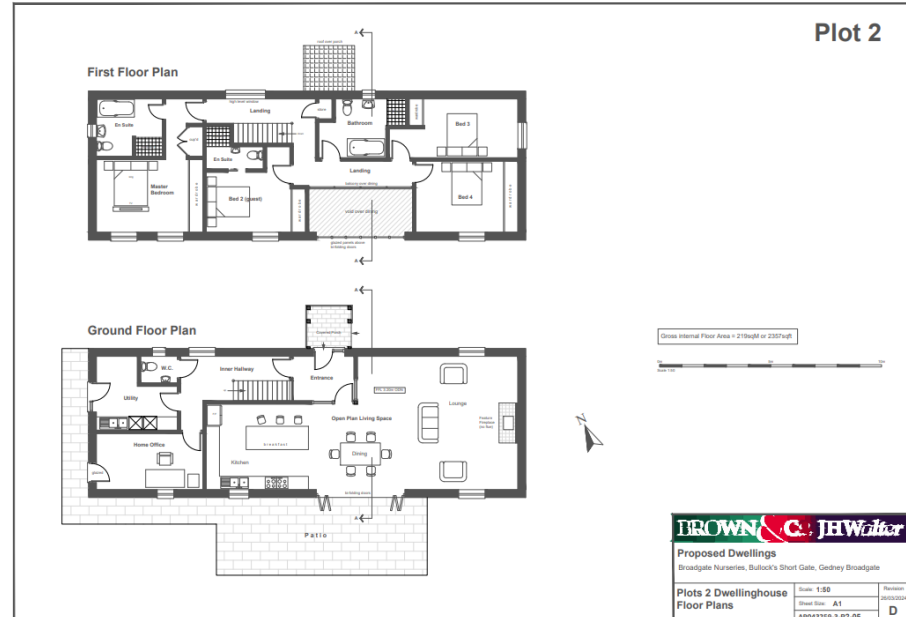
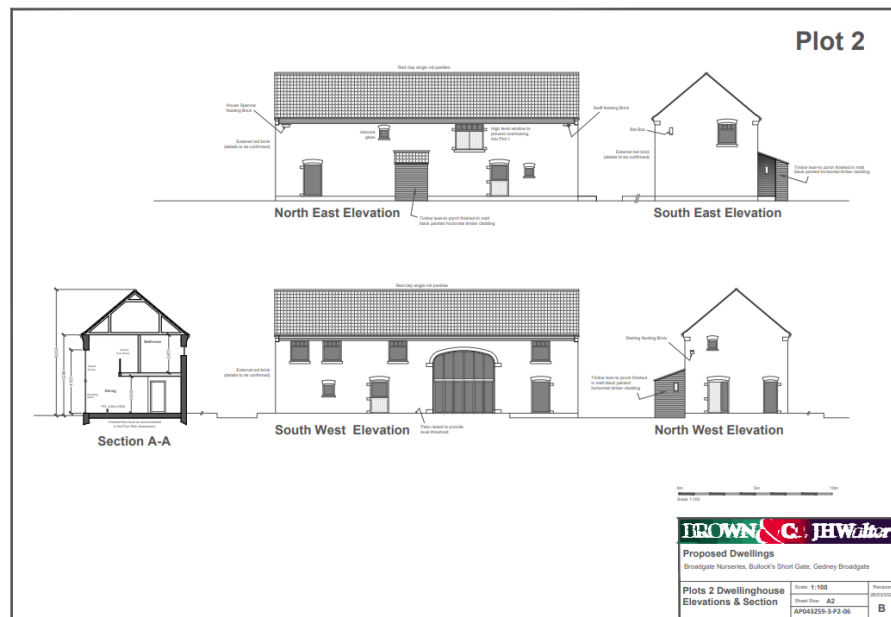
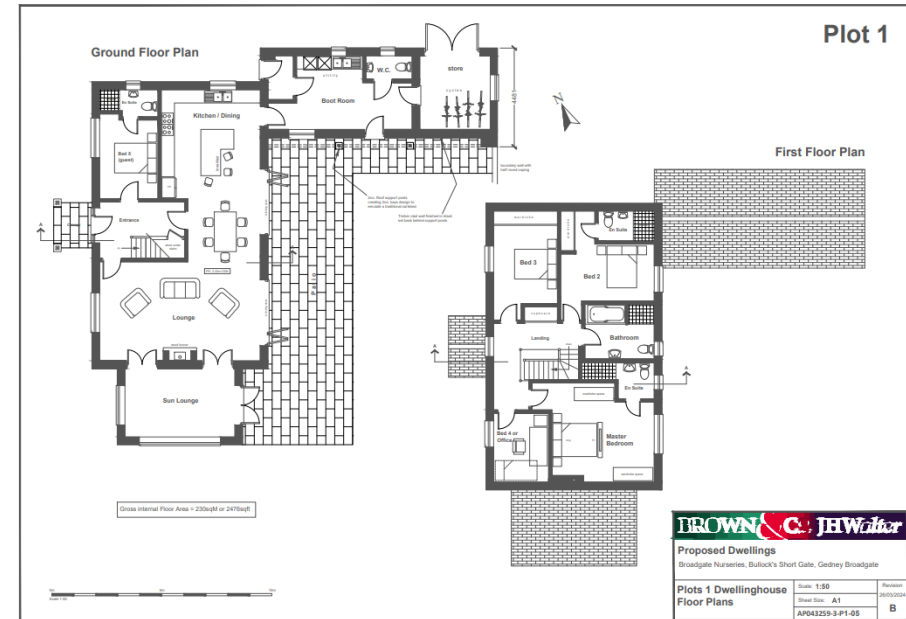
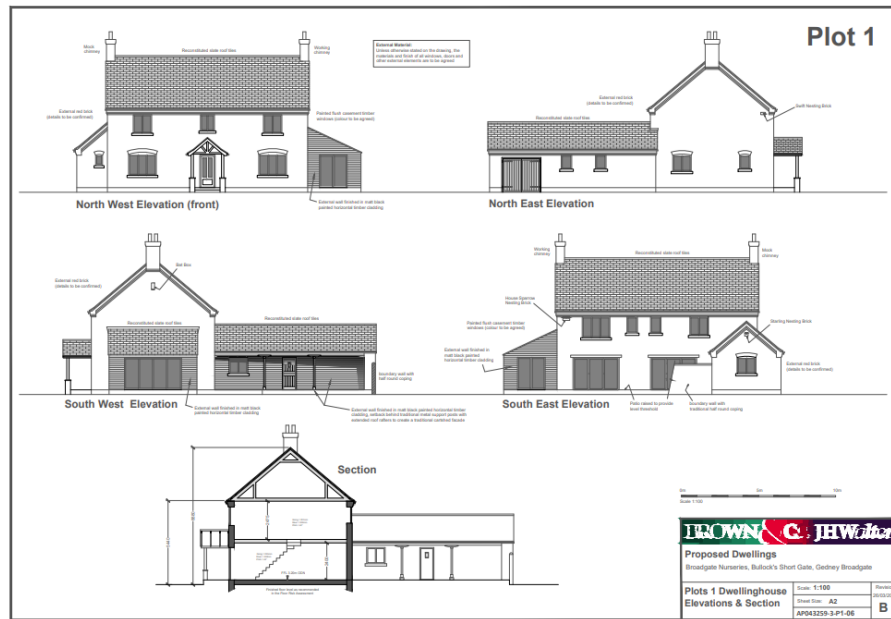
Appearance—As stated already stated, the plan shows the proposed new-building dwellings has been layout taking its design-ques from a traditional 19th Century “loose courtyard” shaped farmyard. Plot 1 will be designed as a traditional two-storey farmhouse with a single-storey side extension designed as a traditional cart-shed. Plot 2 will be designed as a two-storey traditional threshing barn and takes many of its design-ques from the existing agricultural building.

To retain the character and appearance of the area, all fenestration for both proposed dwellings will be timber-framed and painted and all doors and windows will be set in reveal to provide an agrarian appearance and character to the proposed dwellings. Furthermore, both dwellings will be constructed from red brick and the roof of Plot 1 will have reconstituted slate tiles whilst Plot 2 will have red clay single roll pantiles. The side extensions and porches of both plots will be finished in matt black painted horizontal timber cladding, which takes its design-ques from the new extension for the conversion of the traditional brick-built buildings to the west of the site approved under reference H06-0286-23.

3. THE PROPOSAL—PROPOSED SITE LAYOUT PLAN



3. THE PROPOSAL—PROPOSED FLOORPLANS AND ELEVATIONS OF PLOT 1 & 2



4. PLANNING POLICY CONTEXT

4.1 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is, therefore, the starting point for the assessment of all planning proposals. Development plan policies of particular importance to this application are summarised in paragraphs 4.3 to 4.6 below.

4.2 The Government's planning policy, as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPFG), are also significant material considerations. National planning policies of particular relevance to this application are summarised in paragraph 4.4.

Development Plan Policies

4.3 The development plan for this application comprises of the South East Lincolnshire Local Plan (SELLP) Central Lincolnshire Local Plan (CLLP) adopted in 2019. The overarching policies relevant to this application are as follows:-

- Policy 1: The Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 10: Meeting Assessed Housing Requirements

- Policy 11: Distribution of New Housing
- Policy 17: Providing a Mix of Housing
- Policy 28: The natural Environment
- Policy 29: The Historic Environment
- Policy 30: Pollution
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 36: Vehicle and Cycle Parking

National Planning Policy Framework (NPPF)

4.4 The relevant sections and paragraphs of the NPPF 2023 are as follows:-

- Paragraph 11: The Presumption in Favour of Sustainable Development
- Paragraph 47: Planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
- Section 9: Promoting Sustainable Transport
- Paragraph 131: Good design is key to the creation of high quality, beautiful and sustainable buildings and places.
- Paragraph 165: Inappropriate development in areas at risk of flooding should be avoided

by directing development away from areas at highest risk.

- Paragraph 166: All plans should apply a sequential, risk-based approach to the location of development—taking into account all sources of flood risk and the current and future impacts of climate change—so as to avoid, where possible, flood risk to people and property.
- Paragraph 180: Planning policies and decisions should contribute to and enhance the natural local environment.
- Paragraphs 195 to 204: Impact on the setting of heritage assets and address historic environmental considerations.
- Glossary Annex 2: Describes heritage assets as building, monument, site, place, area or landscape identified as having significance meriting consideration in planning decisions, because of its heritage interest.

5. PLANNING ASSESSMENT

Principle of Development

5.1 Section 38 (6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination of any planning application must be made in accordance with the development plan unless material considerations indicative otherwise. This is further confirmed in paragraph 47 of the NPPF 2023.

5.2 Policy 1 of the SELLP advises the application site is situated within the countryside, as it is situated outside any existing settlement. In such instances, the policy indicates that development in the countryside will be permitted that is necessary to such a location and/or where it can be demonstrated that it meets the sustainable development needs of the area in terms of economic, community or environmental benefits. It is accepted two new dwellings is not necessary in the site's location in conjunction with agriculture or other rural based business. It is also noted that it is physically divorced from the nearest settlement and, consequently, the proposal is not in accordance with Policy 1 of the SELLP and would not be normally considered a suitable site for new housing.

5.3 However, the existing building presently has prior approval for a change of use from agricultural into two dwellings under Class Q of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. Caselaw has

demonstrated that Class Q consents are a legitimate fallback position when considering alternative proposals for development on the same site.

5.4 The relevant legal principles relating to fallback were set out in *R v Secretary of State for the Environment and Havering BC* (1998) EnvLR189. In that case Mr Lockhart-Mummery QC, sitting as a Deputy High Court Judge, accepted submissions that there were three elements to the fallback test. These being:-

1. Whether there is a fallback use—whether there is lawful ability to undertake such a use;
2. Whether there is a likelihood or real prospect of point 1 above occurring; and
3. If the answer to point 2 above is yes, a comparison must be made between the proposed development and the fallback use.

5.5 The notion of Class Q Fallback position was more recently comprehensively dealt with at the landmark Court of Appeal case, *Mansell vs Tonbridge and Malling Borough Council* (2017). This case established that where there is demonstrably a realistic prospect of a permitted development scheme being implemented, and where an alternative proposal would normally conflict with the development plan insofar as it being an unsuitable location for housing, the potential for the fallback

position to outweigh that conflict must be considered by the local authority. It stands to reason where the alternative new-build proposal offers either an enhancement to the setting or a reduction in density when compared to the fallback, the development could (and perhaps should) be allowed to proceed.

5.6 In this case, the existing building on the site has a Class Q consent for 2 dwellings (planning reference: H06-0868-23). It is considered that the granting of the Class Q demonstrates the applicant has a “real prospect” and clear desire to develop and maximise the value of the site. Although, the proposal does not provide a reduction in density, the demolition of the existing modern utilitarian farm building and replaced with two sympathetically and carefully designed dwellings offers a significant enhancement to the setting of the area, as detailed in the following section of this planning statement.

5.7 Therefore, it is considered that the significant enhancement to the setting of the area carries a substantial benefit to the proposed development compared to the identified fallback position, which is a material consideration that outweighs the conflict with the development plan and justifies granting planning permission for the proposal.

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Enhancement to Character and Setting of the Area

5.8 Although the applicant considers the design approved as part of the previous Class Q consent is a sympathetic design for the building's conversion, the building is an existing functional utilitarian agricultural building with no historical or architectural merit. This means, however well the building is converted with the highest quality materials, it will always look functional and utilitarian in appearance and character. Furthermore, the approved conversion of the building into two dwellings, will effectively create two semi-detached dwellings which will be in stark contrast in character and appearance of the site and surrounding area. Therefore, the applicant is submitting this application for two new-build dwellings with a design and layout they consider provides a significant enhancement to the character and appearance of the site.

5.9 After significant research and analysis of the surrounding area, the applicant considers the most appropriate and in-keeping design for the site is an agrarian/farmstead design and layout. It is noted that Historic England produced the "Greater Lincolnshire Farmstead Character Assessment" in September 2015 which highlighted that a common farmstead type in the Lincolnshire Fens is the 19th Century "loose courtyard" shaped farmstead. Given this is a common farmstead style for the area, the applicant has developed a scheme based on this farmstead type that they consider is the most suitable

design for the site and surrounding area.

5.10 The "Greater Lincolnshire Character Assessment" identifies such farmsteads have the following characteristics and provides examples of such farmstead layouts, which are included in Figure 1:-

- Consist of a farmhouse and a yard with detached working buildings;
- Loose courtyard farmsteads with buildings on 2 or 3 sides of the yard; and
- Can include ranges of different ages and

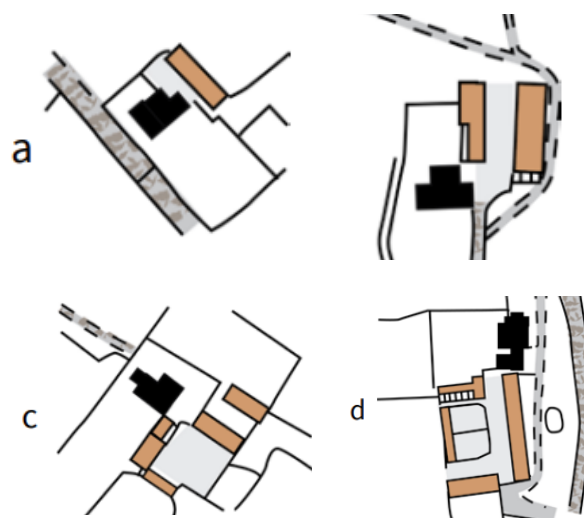


Figure 1: Loose courtyard farmstead examples (taken from Greater Lincolnshire Farmstead Character Statement, Historic England, September 2015).

materials, extensions, boundary walls and domestic buildings.

5.11 Therefore, the applicant has taken the design cues of a traditional "loose courtyard" shaped farmstead for the justification for the proposed design and layout for the proposed scheme. As shown on the submitted block plan, the designs include a farmhouse-style dwelling (Plot 1) with a detached threshing barn style dwelling (Plot 2). Immediately to the eastern boundaries of both plots and to the south of Plot 1, brick walls will be constructed to further create and provide a "loose courtyard" area. This proposed layout will, therefore, not be too dissimilar to the example labelled "a" in the Historic England document and as shown in Figure 1. This design also takes its design-cues from the type of buildings which would have been prominent in such farmsteads with a fairly sizeable working building, in this case, a threshing barn, and a detached farmhouse for the farm owner or tenant.

5.12 The applicant has also carefully chosen the external materials which would have been prevalent for such building types in the 19th Century. The farmhouse-style property (Plot 1) will be constructed from red brick, a slate roof and flush painted timber casement windows. The extension to the property has also been designed to take its design-cues from a traditional cart-shed by its wall being setback behind traditional metal support posts with extend-

5. PLANNING ASSESSMENT

ed roof rafters. It has also been positioned to face the property's proposed entrance and driveway, which emulates how traditional cart sheds would have often faced the routeways of farmsteads.

5.13 The threshing barn style property (Plot 2) will be constructed from red brick and a red clay single roll pantile roof. It also has a large glazed opening on it's south western elevation to emulate the large opening often found on traditional threshing barns for separating the grain from the chaff of crops.

5.14 Furthermore, the justification for the use of the proposed external materials is shown by the examples used other similar farmsteads in the area close to the application site. Such examples include:-

- Broadgate Farm, Broadgate, Gedney, PE12 ODE.
- The Elms, Broadgate, Gedney, PE12 ODE.
- Stonegate House, Stonegate, Gedney, PE12 OBY.

5.15 As shown in the Google Earth image in Figure 2 of Broadgate Farm and The Elms, both are constructed from red brick with the farmhouses having slate roofs and, what would historically have been detached working agricultural buildings, having red clay pantiles roofs. Another example is Stonegate House shown in Figure 3. Although the farmhouse is constructed from whiter bricks, it has a slate roof and the neighbouring former working agricultural

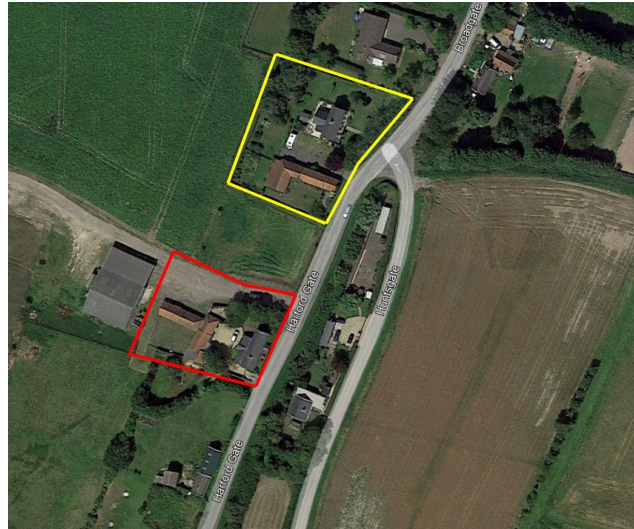


Figure 2: Aerial Google Earth images of Broadgate Farm (outlined red) and The Elms (outlined in yellow)

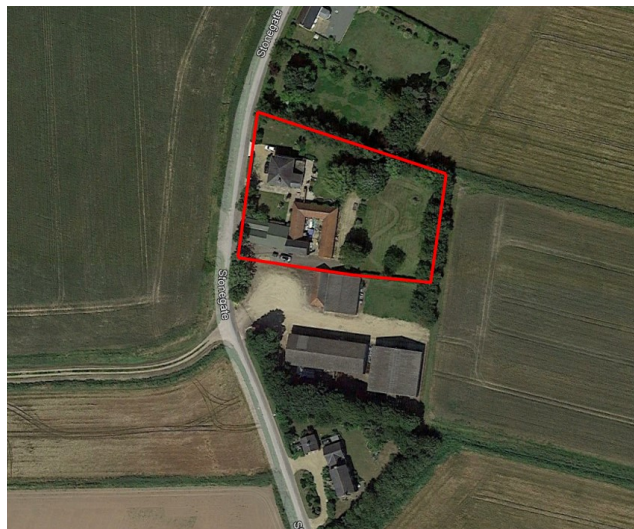


Figure 3: Aerial Google Earth image of Stonegate House (outlined red)

buildings being constructed of red brick and red clay pantile roofs.

5.16 The layout and positioning of the proposed dwellings has also been carefully designed to ensure Plot 1 sits entirely on the existing footprint and curtilage of the building which has the benefit of Class Q consent and will be demolished as part of the proposed scheme. Although Plot 2 is not positioned on the existing footprint, it is situated within very close proximity to it and to Plot 1 but a suitable distance to ensure there are no adverse residential amenity impacts on either dwelling.

5.17 Therefore, although the second plot is not positioned on the footprint of the existing building which benefits from Class Q consent, it is considered the two carefully designed new-build dwellings that takes it's design-ques from a common historical farmstead type within the location, is in-keeping with the area's character and provides a significant enhancement to the setting of the site and should hold significant weight in the decision-making process.

Access and Highway Safety

5.18 Such considerations are cited in policies 2 and 3 of the adopted SELLP and are consistent with advice within the NPPF. Policy 36 of the SELLP is also considered relevant to the proposed development proposals.

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5.19 The proposed development will utilise the existing access along a well-established and well maintained access road, heading due north away from the site to join Cade Drove. Once on Cade Drove it has a T-junction with Bullocks Short Gate and in turn continues northwards to Harford Gate and Broadgate before linking with the A17 trunk road.

5.20 The existing access onto Cade Drove is a longstanding access for the applicant's farm with a wide radius, given it used to cater for agricultural machinery and lorries delivering seed, etc to the applicant's farm. It is considered that this existing access onto Cade Drove has sufficient visibility splays for the nature of the road and there is also sufficient visibility splays for the existing T-junction with Cade Drove and Bullocks Short Gate.

5.21 Furthermore, it is noted that Lincolnshire County Highways were consulted on the Class Q application and raised no objections with this proposed access and the impacts on the neighbouring highway network. Given this scheme provides the same number of dwellings and vehicular traffic movements, it is considered that this access is suitable for the proposed scheme, meeting the requirements of policies 2 and 3 of the adopted SELLP.

Flood Risk and Drainage

5.22 Policy 4 of the SELLP is concerned with flood risk management. Furthermore, the NPPF and the

accompanying NPPG advise to locate development in areas where it is at the lowest probability of flooding. This is particularly important when the use is classified as being "more vulnerable" to such flooding as is the case with this proposal.

5.23 Environment Agency Flood Risk Maps show the entirety of the site subject to this application falls within Flood Zone 3, the area at the highest probability of flooding from rivers (having 1 in 100 or greater annual probability (>1% of river flooding). Policy 4 advises that development proposed within an area at risk of flooding will be permitted in instances where specific criteria are met. This includes where it can be demonstrated that there are no other sites available at a lower risk of flooding (i.e the sequential test is passed). The sequential test will be based on a Borough or District wide search area of alternative sites within the defined settlement boundaries, unless local circumstances relating to the catchment area for the development justify a reduced search area (i.e there is a specific need for the development in that location).

5.24 The NPPF requires the sequential test to be applied and then, if necessary, the exception test. It advises that the sequential test is not passed and development should not be permitted if there are reasonable available sites appropriate for the proposed development in areas with a lower prob-

ability of flooding. With regard the exception test, the NPPF sets out two elements. The first being that the proposed development shows a wider sustainability benefit to the community that outweighs the flood risk and, secondly, where possible, will reduce flood risk overall.

5.25 The sequential test is considered to be passed given there is a fallback position because of the prior approval has previously being granted for the conversion of the existing agricultural building to two dwellings. The first part of the exception test is also considered to be met, again due to the fallback position of the prior approval previously been granted for the agricultural building, which is considered should be given significant weight. In terms of the second part of the exceptions test, a Flood Risk Assessment (FRA), which details the following flood resilient measures:

- The ground floor to be raised by 300mm above the existing ground level set at 3.2mODN;
- New electrical services: electrical sockets, heating systems, boiler units and ancillary devices should be installed at least 500mm above the ground floor level to minimise damage to electrical services. New electric ring mains should be installed at a high level with drops to ground floor sockets and switches;

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- Avoid use of mineral fibre insulation for any new ground floor level (walls and floor) and use a rigid closed cell material as these retain integrity and have low moisture take-up;
- Where possible, all service entries should be sealed (e.g with expanding foam or similar closed cell material) and closed cell insulation should be used for pipes which are below the predicted flood level; and
- As this site is in an area that is capable of receiving flood warnings from the Environment Agency Floodline Warning Direct system, it is recommended that the property owner/tenant of the properties contact the Environment Agency's Floodline to register the property to receive advance warning of flooding by telephone, mobile, fax, SMS text, email or pager. The Environment Agency aim to issue a "serve flood warning" approximately 2 hours before existing defences are overtopped.

5.26 Therefore, for the reasons set out above, it is considered the requirements of Policy 4 and the relevant paragraphs of the NPPF have been met, particularly given the fallback position of the prior approval previously been granted for the conversion of the existing agricultural building for two dwellings.

Residential Amenity

5.27 Residential amenity considerations are covered by policies 2 and 3 of the adopted SELLP. They are considered consistent with policy within the NPPF. Policy 30 of the SELLP is also considered relevant.

5.28 There are no dwellings immediately surrounding the proposed site. The closest dwelling is the proposed dwelling as part of the applicant's conversion of the traditional brick-built to the west of the site. This will be approximately 70m from the site. The next closest dwellings are Olive Tree Barn and Haveril House, approximately 165m to the north west and 175m to the north, respectively. Given the distance to these dwellings, it is considered that the proposed new dwellings will not cause any loss of residential amenity in terms of overshadowing, overlooking, overbearing effect or noise on these properties.

5.29 Furthermore, it is also considered that the new-build dwellings provide a reduction in the potential overlooking and loss of privacy compared to the consented Class Q application. Given the consented Class Q utilises the existing structure and creates two semi-detached dwellings, means the first floors of each will be able to overlook into the neighbouring garden space. This will not be case for the two proposed new-build dwellings as they are two detached properties and have been care-

fully designed to minimise any overlooking, loss of privacy, etc.

5.30 Therefore, it is considered by the applicant that the proposal provides a reduction in the potential residential amenity impacts compared to the Class Q consent whilst meeting the requirements of policies 2, 3 and 30 of the SELLP.

Ecology and Biodiversity

5.31 Ecological and biodiversity considerations are covered by policy 28 of the SELLP. An Ecological Impact Assessment (EclA) has been completed by SLR consulting and is submitted in support of this application.

5.32 As detailed the EclA, no ecological features were assessed as holding greater than local ecological importance and as such no further ecological surveys are required. Furthermore, the EclA proposes the following ecological enhancement measures within the proposed scheme:-

- Landscaping enhancements, including wild-flower grassland and flower rich grassland to enhance invertebrates, particularly moths and night flying insects, as a foraging enhancement for bats.
- Approximately 95m of species rich native hedgerow will be planted as part of the proposed scheme on the western and northern boundaries. The species mix will consist of

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hawthorn, blackthorn, hazel, field maple, mid-land hawthorn, wild cherry and bird cherry.

necessary.

- Tree planting, including nine native trees will be planted as part of the landscaping. These will include English Oak, field maple, rowan and crab apple.
- Integrated bird and bat boxes will be integrated into the two proposed dwellings. These will include a swift nest box, a house sparrow terrace and a starling nest box throughout the northern and eastern boundaries. Their locations are shown on the elevations for the two proposed dwellings.

5.33 Therefore, it is considered that the requirements of policy 28 of the SELLP have been met.

Contamination

5.34 The previous uses of the site were agricultural for the storage of agricultural machinery and equipment. It is considered any sources of potential contamination are low. Furthermore, it is noted that Environmental Protection were consulted for the previous Class Q application and they confirmed that they had no objections subject to the attachment of a standard land contamination conditions.

5.35 Therefore, given the above, it is considered that contamination is acceptable and the Council's Environmental Protection can attach a suitably worded contamination condition if they consider this

6. CONCLUSION

6.1 As detailed in this planning statement, although the proposed two new-build dwellings are not in accordance with Policy 1 of the SELLP, the existing building has a recently consented Class Q permission (planning reference: H06-0868-23) and caselaw as demonstrated that having such a consent provides a legitimate fallback position when considering the alternative proposals for development on the same site.

6.2 As demonstrated throughout this statement, it is considered that the granting of the Class Q application demonstrates the applicant has a “real prospect” and clear desire to develop and maximise the value of the site. Although the proposal does not provide a reduction in density, the demolition of the existing functional and utilitarian agricultural building and replaced with two sympathetically and carefully designed dwellings that takes its design cues from a common historical farmstead type within the location, is in-keeping with the area’s character and provides a significant enhancement to the setting of the site which holds significant weight in the decision-making process.

6.3 It is also considered that all other material considerations are deemed acceptable and the inclusion of significant soft landscaping compared to the Class Q consent provides another significant benefit and enhancement to the site.