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Supporting Statement in Respect of Submission of Planning Application to Replace Approved Class Q Approved (H08-0536-22) Permitted Development at Fossils Farm Northgate Gosberton Spalding

Design, appearance and local character

The application site is located in a countryside location with intermittent developments of houses and farms or their like interspersed with agricultural land surrounding it. With nothing other than the applicants own buildings etc close by, the proposed will be barely visible to receptors in the public realm it being proposed located in excess of 225m from the highway verge and largely screened from direct viewing.

The character of the dwellings and buildings surrounding the site is a mix of single and two storey developments. Furthermore the existing outbuildings on the site are around 4.0m in height, so in terms of scale of the new dwelling it will not be significantly different to the existing buildings on the site. Therefore given the scale of the new build when compared to the existing buildings, it is considered it would not be out of keeping or obtrusive in this set back location. So it is considered that it raises no concern about impact on the local character.

The identical curtilage as proposed by H08-0536-22 is maintained. Floor Area of the Proposed is Reduced.

The Prior Determination

Please refer to the Application Docs and etc in respect of the above, Prior Determination Application PD H08-0536-22 it now having been confirmed not required so thus the subject of Permitted Development Class Q Determination constitutes PD under the PDO.

In that the PD H08-0536-22 confirms the COU to a dwelling is PD under the PDO, it enables a dwelling to be developed and occupied irrelevant of any consideration to the contrary.

Whilst of course the PD does not enable or permit construction of an entirely new dwelling it does engage as Material Considerations the following:-

The (Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314) judgement supports the alternative development of a new dwelling to replace Class QPD.

Also is as stated by the Minister in Parliament (Hansard 24 Feb 2014 : Column 134) "it is very important that we reassure people that we are making the absolute best possible use of every existing building in the country and that we are maximising the value we get out of developed land so that we do not need to build on undeveloped land more than is absolutely necessary.". That was reiterated by a subsequent Minister as recently as June 2020 (Letter 30 06 2020 RJ MHCLG Minister) "we must also make the best use of our brownfield land and underused buildings"

In addition it is not unusual for LAs, for example ELDC which is now amalgamated with BBC a signatory to the SEL LP, to following it being established that in a particular instance Class Q PD applies, in order to provide a more sustainable conveniently located, better designed or enlarged dwelling, to grant PP for additional to as is permitted under the PD right.

Please refer to the following three examples of the 1mmediately above, I have no doubt there are many others.

ELDC S/169/02052/19 - S/152/00601/20 Approved 03/06/2020 Alteration and Enlargement of Dwelling and Curtilage HILLDYKE FARM, HURN ROAD, SIBSEY, BOSTON, PE22 0TF

ELDC S/169/02052/19 - S/169/00432/20 Approved 06/05/2020 New/Replacement Dwelling (enlarged) and Extended Curtilage LAND ADJACENT TO GRANGE FARM, PINFOLD LANE, STICKNEY, BOSTON, PE22 8AN

ELDC S/152/02277/21 Approved 24/03/2022 New/Replacement Dwelling (enlarged) and Extended Curtilage LAND ADJACENT 'THE CREST', NORTHLANDS, SIBSEY, BOSTON, PE22 0UA

As any whom are familiar with the Building Act and Approved Documents will know, there are very differing requirements for “new buildings” and “conversion or changes of use of existing buildings”, for guidance on application of The Building Regulations please consult “The Manual to building Regulations and The Approved Documents” or consult with SHDC Building Control.

The considerable differences in the requirements include for in relation to sustainability and energy saving regards Changes of Use and New Buildings, The Approved Documents Part L detail as is acceptable in each case but the scope is enhanced considerably in respect of a New Dwelling.

The applicant considers that in this particular case, both sustainability and configuration of the dwelling will be improved by grant of PP. The increase in floor-space proposed is minimal but the sustainability gains were it proposed only to comply with the Building Regulations ADs in respect of a New Dwelling will be enormous, and will of course continue to accrue year on year.

The applicant intends sustainability gains over and above the AD Requirements which will include enhanced fabric insulation and green energy generation. Please note the applicant has previously set aside a significant area of his land for environmental benefits.

October 2022 Keith Baker

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