Proposed Detached Dwelling to Replace a Class Q Dwelling (West Barn)

Land at Shetland Cottage, Mill Green Road

Pinchbeck Spalding PE11 3PY

PLANNING STATEMENT

incorporating Flood Risk Assessment



mlp Moulton Land and Planning

August 2024

Introduction

This is a Full Planning Application for a detached dwelling to replace a Class Q dwelling on land adjacent to Shetland Cottage, Mill Green Road, Pinchbeck.

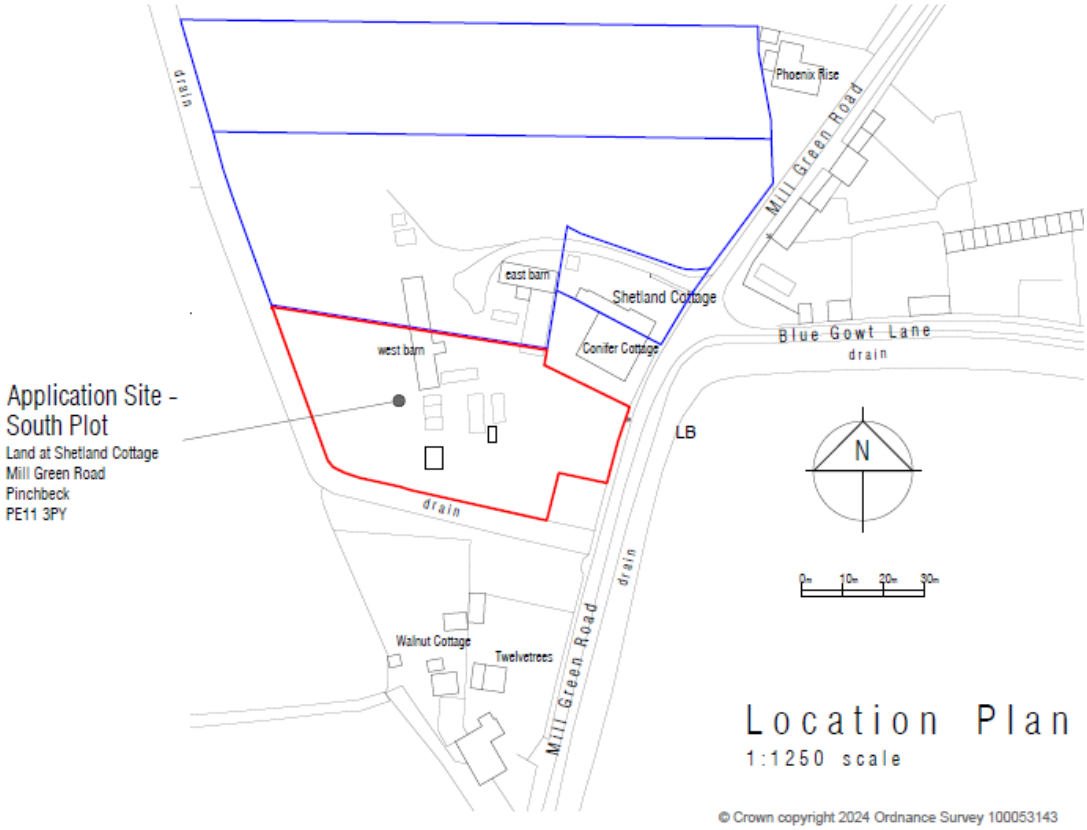
For ease of reference the application site is referred to as South Plot on the accompanying drawings.

There is a simultaneous application on adjoining land for an identical proposal which would also deliver the replacement of a Class Q dwelling with a bespoke detached dwelling (North Plot)

Site and Location

The application site is located in open countryside but in relatively close proximity to Pinchbeck and has an area of 0.7 acres (0.28 hectare) with direct access from Mill Green Road.

Whilst predominantly agricultural in character there are several dwellings in close proximity to the site and these are of varying age and character. There is currently a single storey agricultural building (West Barn) on the site with vehicular access from Mill Green Road and this is the building to be replaced by a bespoke energy efficient dwelling of high quality traditional design and specification.



Relevant Planning History

H14-0682-23 *Class Q Prior Approval for Change of Use of Agricultural Building to Dwelling (West Barn)*

Approved 3rd October 2023. This is considered to be a material consideration in so far as planning case law has established a 'fall back' position with regard to Class Q Prior Approval. It is believed in this instance that the proposal now presented to the Local Planning Authority does satisfy the criteria established by that ruling.

H14-0681-23 *Class Q Prior Approval for Change of Use of Agricultural Building to Dwelling (East Barn)*

Approved 3rd October 2023. This approval relates to an adjacent agricultural building and this is subject to a separate simultaneous Application for a replacement of that Class Q approved dwelling.

H14-0054-24 – *Full Planning Approval for Extensions to Shetland Cottage*

Approved 18th March 2024. Shetland Cottage is located adjacent to the application site and is under the same ownership of the current Applicant. The renovation and extension of this dilapidated cottage will improve the appearance and character of the area accompanied by the proposed replacement dwelling now proposed immediately to the rear of the cottage.

PE-00064-24 – *Pre-Application consultation for the replacement of two Class Q dwellings at Shetland Cottage*

February 2024 pre-app submission to South Holland District Council including an indicative layout for two dwellings as replacement for the two Class Q dwellings (formerly agricultural buildings) The feedback was positive subject to the dwelling designs being of bespoke high quality appearance and specification.

National Planning Policy

NPPF (National Planning Policy Framework) December 2023 contains specific reference to rural housing –

82. *In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs, including proposals for community-led development for housing.*

Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

83. *To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

84. *Planning policies and decisions should avoid the development of isolated homes in the countryside* ***unless one or more of the following circumstances apply:***

a) *there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

b) *the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

c) *the development would re-use redundant or disused buildings and enhance its immediate setting;*

d) *the development would involve the subdivision of an existing residential building; or*

e*) the design is of exceptional quality, in that it: - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area*

South East Lincs Local Plan (adopted March 2019)

The main considerations in this instance are Housing Policy and other Material issues such as Amenity, Highways Safety, Flood Risk, Contamination and Ecology

SELLP Policy 1 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. The application site is outside of any settlement limits as defined in the SELLP and is therefore classed as being in open countryside. It is therefore acknowledged that the proposal is contrary to Policy 1. However planning Caselaw has established that Class Q consents are a legitimate fallback position when considering alternative proposals for development of the same site.

Class Q 'Fall back' Position

A landmark Court of Appeal case, Mansell vs Tonbridge and Malling Borough Council (2017) 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.

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.

In this case, the existing building on the site has a Class Q consent for change of use to form a dwelling.

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. The demolition of the existing utilitarian farm building and replacement with a bespoke sustainable dwelling of high quality design and specification does represent a significant enhancement to the character of the area and indeed the residential amenity of nearby properties.

Amenity

Policies 2 and 3 of the South East Lincolnshire Local Plan (2019) set out residential amenity and the relationship to existing development and land uses as main considerations when making planning decisions. These policies are consistent with advice within the NPPF.

The proposal is adjacent to two existing dwellings Shetland Cottage and Conifer Cottage and also the Class Q consented East Barn which currently shares the same means of access. The replacement dwelling has been sited and designed to minimise any potential impact on any of these dwellings as well as utilise an existing access onto Mill Green Road which will remove the current 'backland' arrangement of the disused farmyard.

It is therefore considered that this proposal satisfies Policies 2 and 3 on amenity grounds and indeed represents significant betterment over the current approved arrangement.

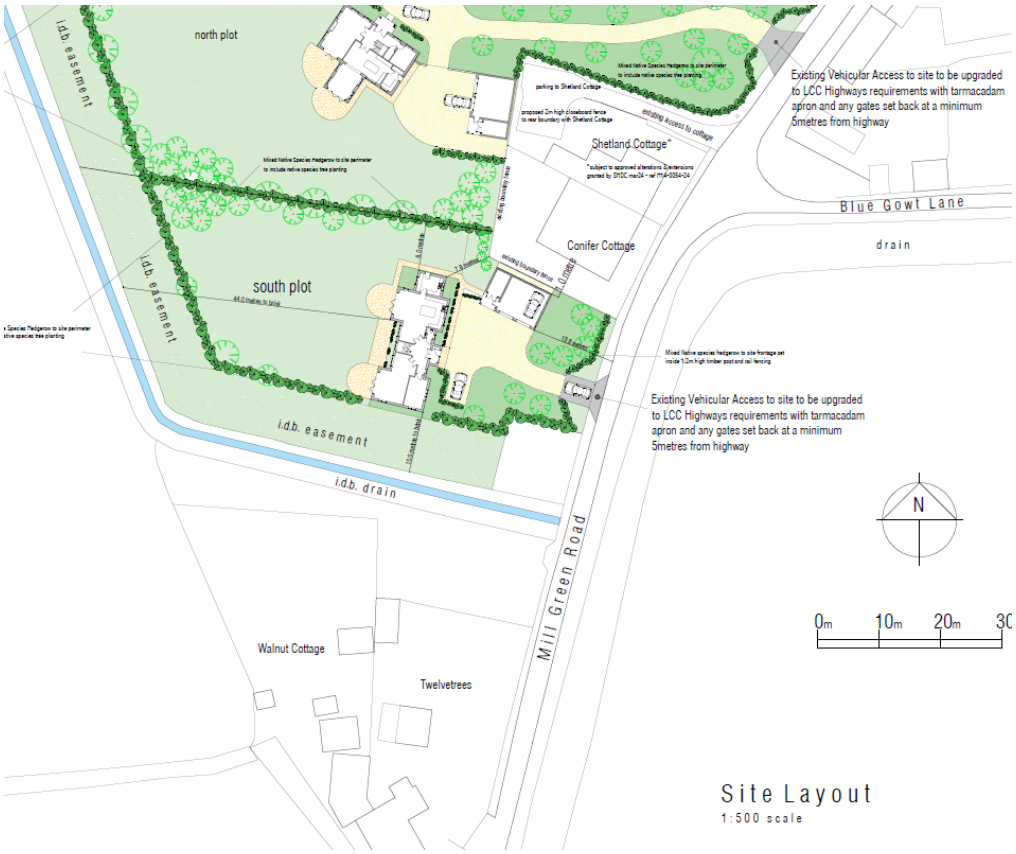
The Proposal

The new 1½ storey dwelling has been individually designed to suit the site and the locality and is to incorporate energy efficient measures to exceed current Building Regulation Part L Standards. Notwithstanding these measures the objective is to create a dwelling of traditional form using high quality external materials.



front elevation (east)

The new dwelling is consciously sited to the south of the original agricultural building to create a more compatible arrangement between the two existing dwellings namely Shetland Cottage and Conifer Cottage and also the proposed replacement dwelling which is subject of a separate application to replace the existing agricultural building approved under LPA ref H14-0681-23.



Site Layout – south plot

This will drastically improve the residential amenity and outlook to these properties whilst still locating the new dwelling within the former farmyard.

The dwelling is proposed within an appropriately proportioned curtilage with vehicle parking and garaging .

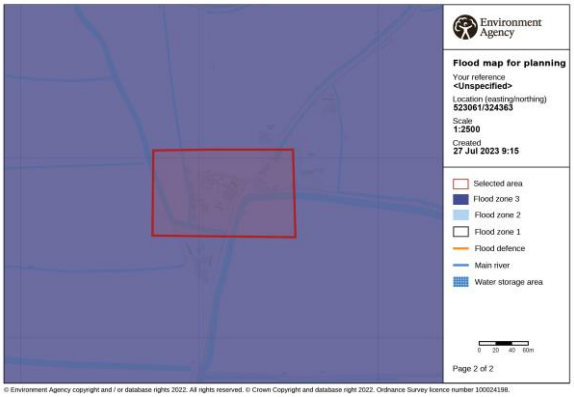
The dwelling is to be accessed via an existing agricultural access from Mill Green Road to the south of Conifer Cottage which avoids the previously approved shared access arrangement under the Class Q approval. The access is also some distance from the junction with Blue Gowt Lane.

Despite being in a rural location the site is currently devoid of any mature landscape features, having been a farm yard. There is therefore an opportunity to undertake a substantial landscaping proposal which is indicative on the submitted plans at this stage. This will introduce native species hedgerow and trees as well as nesting habitats for various species.

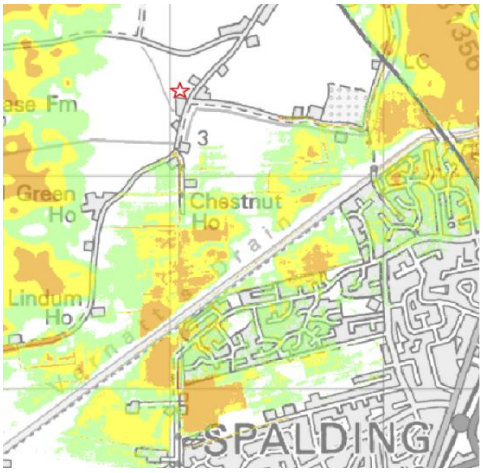
Technical Considerations

Flood Risk

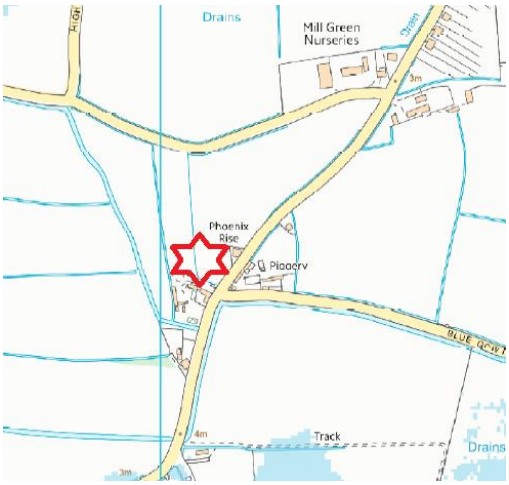
It was established under the Extant permission H14-0682-23 that although the site is positioned within Environment Agency Flood Zone 3 it is not subject to increased flood hazard or flood depth on the 2115 South Holland Strategic Flood Risk Mapping. There is therefore no requirement to raise finished floor levels to the proposed dwelling.



Environment Agency Flood map



Extract from SFRA 2115 1% Fluvial / 0.5% Tidal Event Indicating there is no hazard at the proposed location



Extract from SFRA 2115 0.1% Event Indicating Flooding probability Low

Potential to Cause Flood Risk Elsewhere

There is no proposal or need to raise existing ground levels and therefore the proposal does not represent a risk to adjacent land in terms of flood risk. The driveway and parking areas are to be of permeable materials and roof water from the dwelling and garage building will be directed to suitably designed and located proprietary soakaways.

On a wider area the site is in proximity to established field drains including an IDB maintained watercourse to the west of the application site. The proposed works do not affect these existing watercourses.

Mitigation Measures & Recommendations

The site is not considered at risk of flooding when referenced against the SFRA however it is considered practical to place finished ground floor level to the proposed dwelling at 150mm above existing ground levels.

The dwelling will also be registered with the Environment Agency 'Warnings Direct' flood warning scheme.

Transport and Highways Impacts

The site has existing access onto Mill Green Road which has been for agricultural purposes. The Extant consent for the conversion of the agricultural building to a dwelling involved the shared use of the existing access to Shetland Cottage and the East Barn

It is proposed to locate an individual vehicular access to the south of Conifer Cottage where existing agricultural access is currently obtained.

The access will be constructed to LCC spec involving tarmacadam apron to avoid egress of material onto highway etc.

Parking provision to the proposed dwelling exceeds current standards and also includes secure garaging for vehicles and other forms of transport such as cycles.

Noise Impact

Given the previous agricultural activity that has taken place in and around the subject building there was betterment in the change of use to residential under the extant Class Q consent however as mentioned earlier in this statement the proposed replacement dwelling is positioned away from the nearby residential properties which further protects the amenity of those residents, particularly during construction works.

Contamination Risks

It was established under the extant permission that a precautionary Contaminated Land Condition was appropriate following the submission of a Screening Assessment and it therefore presumed a similar Condition could be attached to any subsequent consent for this proposed development.

Archaeology

As per the Extant permission the comment from LCC Historic Places Team was that no archaeological input was required. Assumed same comments to be received from consultation.

Ecology & BioDiversity

No specific requirements were attached to the Extant permission for the change of use of the building to a dwelling however as mentioned earlier in this statement the proposal provides a significant opportunity to enhance the natural environment on this former farmyard with a comprehensive scheme of planting of appropriate native species hedgerow and tree habitat. There will also be provision within the building fabric to incorporate features such as bat boxes and nest boxes in accordance with current SHDC Local Plan measures.

Energy Efficiency

The proposed dwelling is to be built to exceed current Building Regulation standards and will incorporate roof top pv panels placed on the rear facing roof slope to the main dwelling. Pv panels are also proposed to the garage outbuilding. Ground source is deemed to be appropriate here where the installation can be accommodated within the curtilage. In accordance with current regulations there will also be EV charging facility to the new dwelling.

Drainage

As there is no adoptable foul sewer network near to the site it is proposed to install a private package treatment unit to serve the dwelling in accordance with relevant legislation. The treated outflow from the unit will discharge into a suitable sized and specified soakaway system which can be easily located so as to avoid any conflict with nearby uses including the surface water drain maintained by the Welland and Deepings I.D.B. In the event that soil percolation tests prove that the sub soil is not satisfactory then an approach will be made to the IDB to seek formal consent for discharge into their watercourse.

Surface water will be confined to roof water and this is to be directed to suitably sized and located proprietary soakaway crates subject to suitable percolation test results – as per the foul drainage if ground conditions indicate that soakaways will not be acceptable then an approach will be made to the IDB.

Conclusion

This application satisfies the relevant criteria for the replacement of agricultural buildings that have consent for change of use to a residential dwelling under Class Q.

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The proposed dwelling is of high quality unique design and appearance and is to incorporate sustainable energy efficient specification.

The curtilage provided with the new dwelling is proportionate and re-purposes redundant yard and non-productive land bound on two sides by an IDB watercourse.

The proposal represents significant betterment to the character of the area, particularly when considered in conjunction with the current approval for the renovation and extensions to Shetland Cottage and a simultaneous proposal to the north of the application site for a replacement dwelling.

Alan J Finch
August 2024