



Integrated Planning and Design & Access Statement

Site:

*Land to the North of Fengate Road,
Pinchbeck, Spalding*

PE11 3PU

Applicant:

Houghton Produce Ltd

Prepared by:

O. Staff

Revision:

A01 – October 2024

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Introduction

Origin Design Studio Ltd has been appointed by Houghton Produce Ltd to submit a planning application on a parcel of land which currently has an agricultural building, which has permission to be converted to residential dwellings. This document provides a rationale for justifying new build dwellings on the site and demonstrates planning betterment against any possible alternative.

This planning statement accompanies a planning application for a residential development of 4 no. new build dwellings at Land to the North of Fengate Road in Pinchbeck.

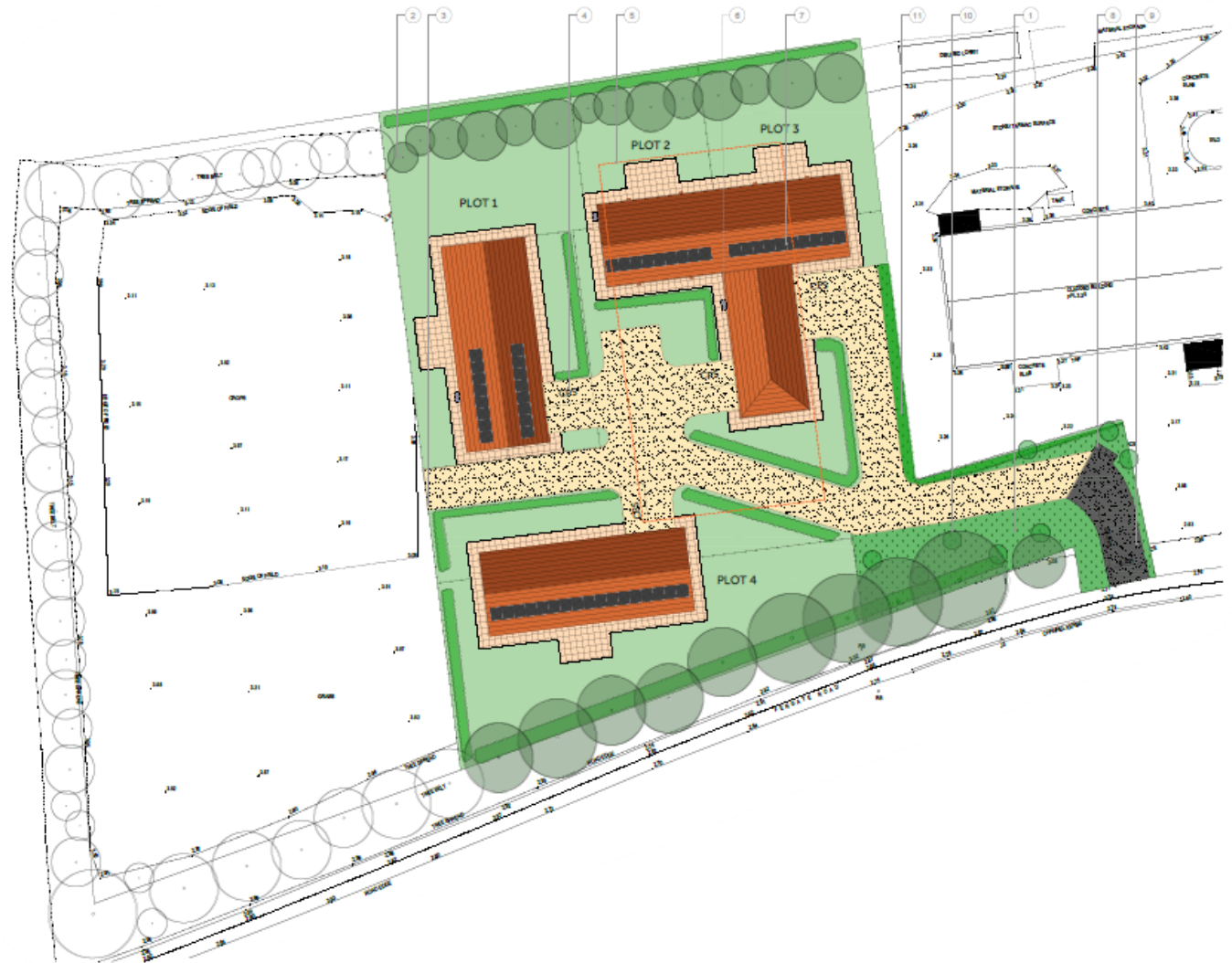


Figure 1 – Proposed Site Plan

Site Location

Neighbourhood Context

The proposed site is located along Fengate Road in Pinchbeck, in the open countryside. In planning policy terms the site is considered to be open countryside.

The site is located approx. 2.6 miles from the centre of Spalding.

Existing Site

The existing site contains one large agricultural building and associated hardstanding.

The site is in a rural location, characterised by agricultural land and buildings along with small clusters of housing. There is a cluster of dwellings to the east and north east of the site. Therefore residential development in the area is sporadic but not entirely lacking.

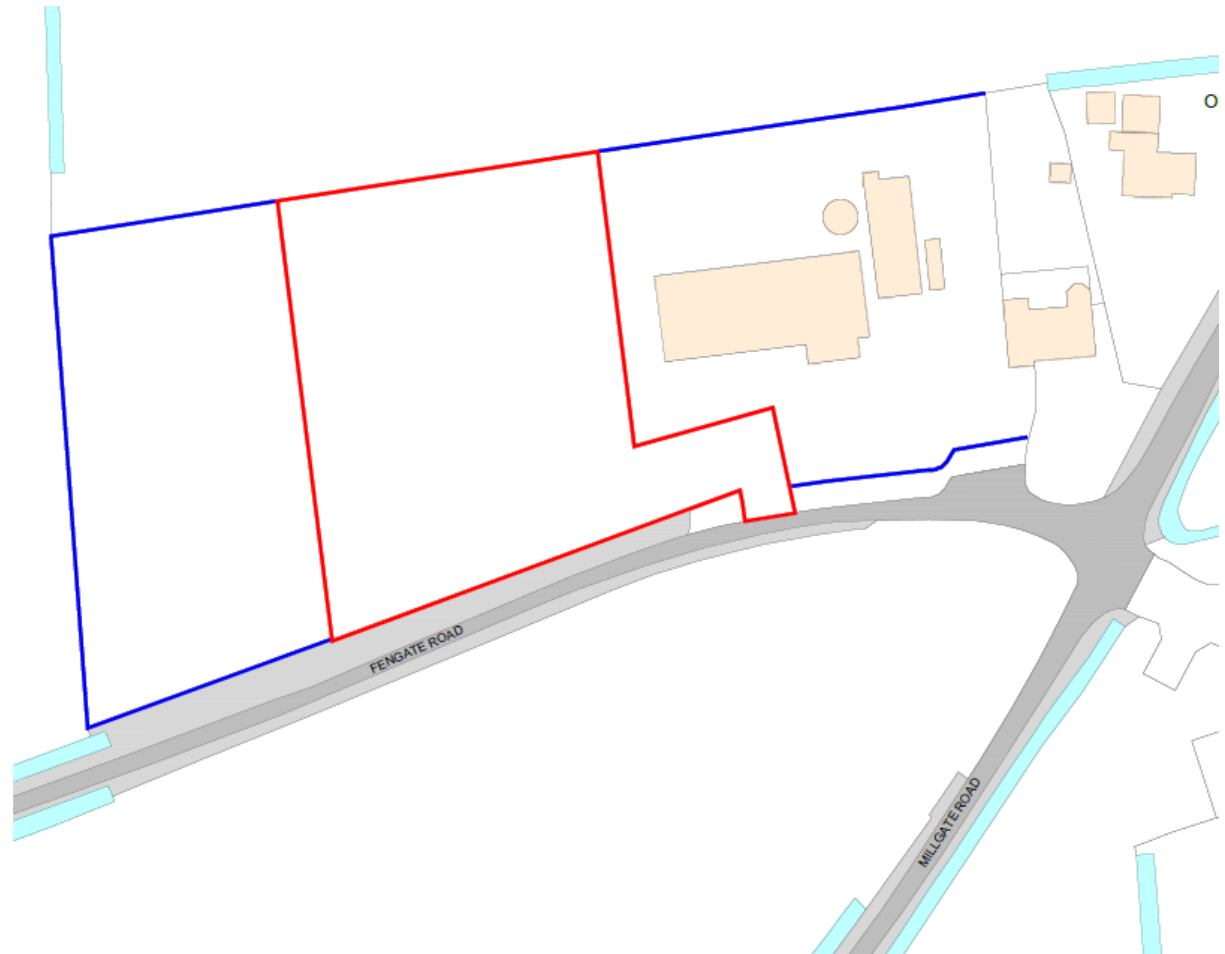


Figure 2 - Red outlined area indicates site location

Site Constraints

Existing Buildings

Demolition

There is currently an agricultural building on site, which has a real prospect to be converted to form residential dwellings via the class Q prior approval process. If the proposal were to be approved, this building would be demolished.

The existing building has a very limited contribution historically or architecturally and are therefore not worthy of retention. As a result, the proposal will be an improvement on site.

Adjacent Buildings

The adjacent building to the east is an agricultural building. This has been considered when designing the scheme.

Trees

There are some trees/ hedges on the site. These are proposed to be retained and integrated into the scheme. The trees have been taken into account when siting the dwellings.

Site Opportunities

Views

Due to the rural location, views towards the open countryside are achieved to the north and south and west, however in particular, views out towards the north and south are most desirable. These have been considered when orientating the dwellings and locating windows.

Trees

As mentioned, the trees and hedges on site, although a constraint to be considered, also provide an opportunity to include natural screening and privacy to the site. There is also the opportunity to include new planting which will add to the biodiversity of the site.

Flooding

The site is in flood zone 3, as a result a Flood Risk Assessment (FRA) has been prepared and submitted with this application. The floor levels of the proposed dwellings have been set in line with the recommendations outlined within the FRA.

The FRA also indicates that the sequential test has been passed due to the

proposal for 4 dwellings not being considered to pose a greater risk than that which could be approved via permitted development.

It can be argued it would be unreasonable to expand the search area beyond the site, the application site is considered acceptable from a sequential perspective with no acceptable alternative presenting themselves with the immediate or wider search area.

Planning Policy and Material Considerations

Although the NPPF provides the national planning objectives for any planning application in England, the Local Planning Authority's Local Plan policies must take primacy when an application is being determined. In this instance, at the time of writing, the South East Lincolnshire Local Plan (SELLP) takes primacy. The Plan was formally adopted in March 2019.

Decisions must be made in accordance with the development plan unless other material considerations indicate otherwise. Such material considerations

can include emerging local plans, emerging neighbourhood plans, national policy, permitted development rights and extant planning permissions.

Principle of Development

The application as presented forms an unusual case insofar as it is correct to start the assessment of the principle of the development against the provisions of the adopted development plan but that the proposition being advanced by the applicant is that the fall-back position weighs significantly in this case. Indeed, the core case being advanced is that notwithstanding the provisions of the local plan pertinent to the settlement and countryside, these considerations are capable of being outweighed by other material considerations.

This section of the report therefore will provide a resume of the local plan policy considerations as well as national policy and guidance before an assessment of the fall-back position. Thereafter a conclusion on the principle of the development proposed will be made having regard to these considerations.

South East Lincolnshire Local Plan Policies

The relevant planning policies relating to the application are the following:

- Policy 1: Spatial Strategy
- Policy 2: Development Management
- Policy 3: Design of New Development
- Policy 4: Approach to Flood Risk
- Policy 28: The Natural Environment
- Policy 31: Climate Change and Renewable and Low Carbon Energy
- Policy 36: Vehicle and Cycle Parking

National Planning Policy Framework – December 2023

One of the overarching and central themes to the NPPF is the Government's absolute commitment to encouraging and achieving sustainable development and strong economic growth, and the crucial role and expectation that the planning system does everything it can to support this. The Government expects that the planning system should operate to encourage, and not act as an impediment, to sustainable growth.

In order to deliver sustainable development, paragraph 11 of the NPPF requires that Local Planning Authorities approve proposals that accord with the development plan without delay, and that where there are no development plan policies, or the most relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local Planning Authority's may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. In this respect, the case being advanced by the applicant seeks to engage the guidance that enables decisions to depart from the development plan.

Chapter 5 of the NPPF deals with housing with paragraph 60 confirms the Government's objective of significantly boosting the supply of homes. Further guidance at paragraphs 82-84 sets out the approach to rural housing. For rural areas sustainable housing development is about enhancing or maintaining the vitality of local communities ergo hamlets and the countryside, with generally poor accessibility to local services, are not therefore favoured locations for development.

Permitted Development & Fallback Position

The change of use of a building represents development in planning law. There are provisions within secondary planning legislation which allow for specified development to be undertaken without express planning permission (referred to as "permitted development"). The Government has introduced an ever-increasing and wide range of permitted development rights for a range of purposes from extending your home or for re-using office buildings or shops as dwellings. One such set of

provisions allows for the change of use of an agricultural building to a dwelling without requiring the express permission of the Local Planning Authority, but subject to a number of criteria being met and certain conditions being satisfied under Class Q, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Class Q enables permitted development, with certain criteria and restrictions relating to the following:

- Maximum floor areas
- Numbers of smaller and larger dwellings to be created
- Use
- Agricultural tenancies
- Retention of external dimensions
- Extent of building operations necessary for the building to function as a dwelling
- Location of the site (i.e. within a Conservation Area, AOND, World Heritage Site, National Park/ The Broads, part of a SSSI, safety hazard area, military explosives storage area)

Development is permitted subject to the developer first applying to the relevant

Local Planning Authority for a determination as whether the "prior approval" of the Authority will be required as to:

- Transport and highways impacts of the development.
- Noise impacts of the development.
- Contamination risks on the site.
- Flooding risks on the site.
- Whether the location or siting of the building makes it otherwise impractical or undesirable for the building to change to a dwelling.
- The design and external appearance of the building.
- The provision of adequate natural light on all habitable rooms of the dwelling houses.

The LPA has 56 days to determine such an application. If a decision is not made then permission is automatically granted. The prior approval procedure is not available for retrospective development and if the development for which prior approval is applied for starts before formal determination, then it effectively disqualifies itself from the prior approval procedure.

In accordance with paragraph 12 of the NPPF, the Council need to consider the weight to be afforded to this prior approval scenario as an other material planning consideration, and how this needs to be weighed in the planning balance.

Revision to Class Q Legislation

Class Q was revised on 30th April 2024, with the changes taking effect from 21st May 2024. Any applications on or after this date, are subject to the new rules.

The main differences are that a total of 10 dwellings are now achievable rather than the previous maximum of five and the amount of space you can convert has increased to 1,000 m², and the maximum size of any dwelling to 150 m².

Until 20th May 2025, applications can still be made which would have been compliant with the old rules which mean up to 5 units with 'Smaller DwellingHouses' or 'Larger Dwellinghouses' or a combination of the two as long as the larger dwellinghouses do not exceed a total of 465 m² with smaller dwelling houses no more than 100 m². This would allow for a maximum of

865 m².

If a prior approval application were submitted for the site, it would therefore be able to apply either the new or old rules.

Class Q Fallback

The main precedent for the existence of a fallback position with regard to Class Q is *Mansell v Tonbridge and Malling BC* for which in September 2017, a judgement was handed down by the Court of Appeal. The case concerned the grant of planning permission for four houses on land currently occupied by a bungalow and a large agricultural building. In granting permission for the houses, the Council took into account the fact that the barn could be converted into 3 houses under Class Q and therefore the number of dwellings proposed would be the same as that which would have resulted from the conversion of the barn to 3 dwellings and retention of the existing bungalow. The aggrieved neighbour brought a Judicial Review with the permission initially being quashed by the High Court, but reinstated by the Court of Appeal, who found it was legitimate for the Council to

grant the permission, even though no application for prior approval to convert the barn had been made. The Court of Appeal held in this case, the fact that an agricultural building could be converted (the fall-back position) is a material consideration when considering a proposal for new housing, provided that there is a realistic prospect of such a development going ahead. *Lindblom LJ* confirmed the legal considerations in determining the materiality of a fall-back position as a planning judgement were:

The basic principle is that for a prospect to be a "real prospect", it does not have to be probable or likely: a possibility will suffice;

There is no rule of law that, in every case, the "real prospect" will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him

under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker's planning judgment in the particular circumstances of the case in hand.

Lindblom LJ concluded in Mansell that the clear desire of the landowner to develop and maximise the value of the site was sufficient to demonstrate there was a real prospect of the Class Q fallback position in that case. Therefore, whilst it was noted that many Local Planning Authorities would want to require a developer to go through the process of applying for determination as to whether prior approval is required for a proposed conversion under Class Q, and this would be preferable, applying the findings of Mansell, a Local Planning Authority cannot insist that a prior approval is first obtained before determining an application that relies on Class Q as a fall-back position.

Accordingly, the Class Q fall-back is engaged and therefore represents a material planning consideration in

accordance with paragraph 12 of the NPPF.

Fallback Prospect

For this application, a prior approval application has not been submitted first, however it can be demonstrated that a permitted development would be allowed on site due to the nature of the existing buildings. The fallback position also does not require a Class Q to be gained, just that it can be demonstrated that it could be. A scheme was advanced to demonstrate that the limitations and conditions of the legislation could be met.

Pre-application Advice

A pre-application advice enquiry was submitted prior to this application which confirmed the class Q fallback position exists for the site. Further details of this can be provided upon request.

Assessment of Policy and Material Considerations

South East Lincolnshire Local Plan Policy Assessment

The starting point for the consideration of all planning applications is the development plan as per Section 38 of the Planning and Compulsory Purchase Act 2004. In this case, in the absence of a neighbourhood plan, the development plan is South East Lincolnshire Local Plan (SELLP). The site is located within the countryside as set out within the plan. The plan has specific policies relating to development in the countryside (policy 22 & 23) however the proposal does not strictly accord with the criteria set out in the policy, such as being a replacement dwelling or the re-use of a building for residential dwellings.

It can be argued as a result the proposal conflicts with the local plan, however the fallback position in this case should be afforded a high degree of material weight in the planning balance.

Policy 1 outlines the spatial strategy for South East Lincolnshire and as such the site is defined as being in the open

countryside. As a result, development 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.

Policy 2 relates to development management and defines further detail as to how sustainable development should be achieved.

One aspect of this is analysis of the size, scale, layout, density and impact on the amenity, trees, character and appearance of the area and the relationship to existing development and land uses. The proposal, as defined in the 'Design' section of this document is of a suitable size, layout and density. The proposal is also of high quality design and the orientation of the dwellings have been carefully considered in terms of solar gain/ preventing overheating.

The access also remains unchanged and the vehicle levels will not be greater than that which would be required as part of a prior approval permission. It will also have no greater impact on the

community services and infrastructure than an alternative conversion scheme.

As outlined in the FRA, flood risk of the site has also been carefully considered.

Natural habitats have also been retained and added to through this proposal.

Policy 3 relates to the design of new development and outlines how new development should be designed to create a sense of place. The proposal is in line with this through respecting the density, scale and massing of neighbouring dwellings. The proposal has also considered the orientation of the dwellings for the purpose of including renewables in the form of solar panels on the southern facing sections of roof.

As mentioned, the existing trees on site will be retained to promote and enhance biodiversity.

Policy 4 relates to flood risk and as mentioned this is covered in more detail within the FRA, however the recommendations of the FRA have been adhered to in the design and floor levels have been set to the appropriate levels.

Policy 28 relates to the natural environment and requires proposals shall provide an overall net gain in biodiversity. This has been considered in the proposal through the retention of existing trees and addition of hedgerows and new tree planting.

Policy 31 relates to climate change and renewable and low carbon energy. As previously stated, the dwellings will be more energy efficient than is able to be achieved through a conversion, includes for biodiversity net gain and solar panels for each dwelling.

Policy 36 relates to vehicle and cycle parking. The number of parking spaces provided for each dwelling are of a suitable level as well as enabling electric vehicle charging.

Class Q Fallback Position Assessment

This proposal seeks support for a total of four new build dwellings. Thus, numerically the proposed dwellings are within the threshold of a prior approval as a fall-back option. The dwellings Gross Internal Area (GIA) also totals 916m² with all dwellings being of a comparable scale for 4/5 bedroom dwellings. This is well within the maximum limit of 1000 m² now allowed through a Class Q application.

In addition, the curtilages of the units would be extended such that a larger area would be re-purposed to residential use ie. gardens and amenity space. Whilst Class Q greatly limits the extent of an associated residential curtilage, it is reasoned that with the farmland effectively unusable, there would over time be pressure for it to be brought in to residential use: it would be effectively severed from the countryside by the placement of the buildings with the prospect to be converted under Class Q so there would be no legitimate planning reason to maintain it either for agricultural use or because it served a countryside function. In practice,

applying the Class Q scenario, the continuance of agricultural activities within the residual part of the farmyard would be unrealistic by virtue of the degree of severance and residential curtilage demarcations afforded through the alternative 'worked up' Class Q scheme.

Having established that a real prospect for a Class Q fall-back exists, it should be afforded a high degree of material weight in the planning balance. Ordinarily as evident from the policy commentary above, new dwellings on the site would fail to accord with the spatial strategy and settlement hierarchy, such that the development would be resisted as contrary to policy. However, the realistic prospect of a Class Q fall-back shifts the planning balance in this case and establishes that, under the provisions of permitted development, the site could be developed for a total of 5 dwellings and such a development is a real prospect. With the above in mind, the next key consideration, mindful of the approach in Mansell and planning appeal precedents, relates to whether the proposal subject to the planning application represents a 'betterment'. As

outlined in the following section, new build dwellings by their very nature offer betterment with regard to thermal efficiency and airtightness.

Betterment

Due to the constraints of Prior approval permissions, a scheme achieved through this route would not make the most of the site. The existing building has little to no architectural or historic merit.

This proposal seeks to put forward a scheme which would be betterment on site and would reflect traditional barn conversions seen in the area. This decision was made due to the site's location in the open countryside and rural characteristics. This was also discussed and agreed to be a suitable course of action in a round of pre-app before submitting this application.

When comparing the existing building and the proposal, it is clear that this application would provide betterment on site, firstly through its appearance.

The proposal includes for a material palette of brick with clay pantiles on the roof. These are materials commonly used in the area.

This shows how this design approach applied in this application is in keeping with the character of the area and vernacular residential buildings, whilst also allowing for more attractive dwellings than a conversion of the existing building would.

The demolition of the existing building and construction of the new dwellings will not cause visual harm. For the most part, the existing building is unattractive and monolithic on the site and by comparison the new dwellings will be of a higher standard of design. Their scale will also not be out of character and is comparable to nearby 2 storey dwellings.

Some of the proposed dwellings are positioned in whole or partly on the footprint of the existing building (plot 2 & plot 3). Plots 1 and 4 are not located on the footprint, however this has been agreed to be acceptable in pre-app as it allows the site to be read as a traditional range of converted barns with a centralised courtyard. For all 4 plots to fit within the footprint they would need to be terraced which not be in keeping with nearby existing houses. Therefore

not siting all of the dwellings on the footprint is appropriate for this site and amounts to betterment when compared to a potential conversion.

The proposed enhancements relating to landscaping, biodiversity and ecology also provide benefit to the scheme through the retention of existing trees and inclusion of additional tree planting to improve the biodiversity of the site. The landscaping also adds to the green and verdant nature of the surrounding countryside.

Sustainability

U-Values & Airtightness

The proposed dwellings, due to being new build, will also be an improvement in regard to energy efficiency. This will enable a more comfortable environment for the future occupants as well as being of benefit to the wider community through reduced emissions and energy wastage. This is as a result of the nature of new build dwellings being able to be constructed in a way which reduced the U-value of a dwelling to a level of which a conversion would not be able to achieve.

When comparing a development which utilises an existing building versus a new build dwelling, there are cases where the retention of the existing fabric of the building enables a more sustainable development. For example, when retrofitting an existing dwelling which already is constructed of thermal elements, this would often have a smaller carbon footprint than a new build, however this is not the case for an agricultural building.

When constructing a dwelling, the aim is always to create an environment which is comfortable for humans to live in, often considering aspects such as thermal efficiency, airtightness, and natural daylighting. With an agricultural building, this is not considered and often considerations are a cheap build which can store animals, farm equipment and other farming elements. Technology has allowed dwellings to become more thermally efficient such as adding additional insulation and improving U-values of various elements, and these changes can be retrofitted into an old dwelling to improve the internal comfort and carbon footprint. Since with an agricultural building, you are starting with

a point which is averse to human living standards, the extent to which additional materials, rebuilding etc are required and will still not result in a dwelling that is close to the standards achieved by a new build dwelling, even when building to modern minimum standards. As a result, in most cases, a new build dwelling will in fact have a smaller carbon footprint over the lifetime of the building, which through considering this is thinking with a much more sustainable, future thinking mindset.

A more efficient new build dwelling will enable a more comfortable environment for the future occupants as well as being of benefit to the wider community through reduced emissions and energy wastage. This is because of the nature of new build dwellings being able to be constructed in a way which reduced the U-value of a dwelling to a level of which a conversion would not be required to achieve. U-values assigned to a building element represent its ability to transmit heat from a warm space to a cold space within a building. The lower the value, the better insulated the element is. With a new build it is much easier to create an airtight, well insulated dwelling

and avoid issues which arise from not fully knowing the history of the building or original construction. A new build also provides the opportunity to specify all construction elements, enabling greater flexibility and opportunity for creating a well-insulated and sealed building. The building regulations include different targets for existing buildings undergoing conversion and new build dwellings. This is because by the nature of a conversion, they are unable to achieve the same thermal efficiency as new dwellings due to the existing constraints they have.

Approved 'Document L Volume 1: Dwellings' outlines maximum U-Value requirements for new fabric elements in existing dwellings, requiring roofs to achieve 0.15 W/m²K and floors 0.18 W/m²K. Whereas the notional dwelling specification for new dwellings, outline a dwelling to be constructed in line with much more stringent requirements, with U-value for roofs at 0.11 W/m²K and floors 0.13W/m²K. When compared, this is a vast difference. We would recommend speaking to your building control officer for further insight into this. Therefore, because of this, the economic and environmental benefit of a new build

dwelling in the long term, particularly when compared to the converted agricultural building would be much greater.

With the exception of U-value targets a conversion only records the energy performance of a building. There is no requirement to meet emission targets.

Further to this, the current Building Regulations aid in the plans to move towards net zero carbon. New homes and buildings in England have to produce substantially less CO₂ under the current regulations. CO₂ emissions from new build homes must be around 30% lower than under the previous standards. The new dwelling would therefore be constructed in line with this and therefore the betterment in regard to energy efficiency would be even greater when compared to the existing permission.

Biodiversity

As mentioned, the proposal includes for much greater biodiversity through more diverse native planting whilst also retaining the existing trees on site. We would be happy to accept a suitability worded planning condition which allows for full details to be submitted.

Surface Water Run-off

The proposal will also be able to capture surface water run-off compared to the current situation and the class Q scheme. In turn this would be able to be discharged at an agreed rate into the local watercourse network and contributed to the biodiversity of the area while being secluded from wider view. As this site benefits from excellent perimeter screening.

Relevant planning history

There are a number of other developments which utilise the fallback decision. The first, as mentioned is the 'Mansell v Tonbridge and Malling' case, for which the precedent was initially set. The decision for which is included within this document as an appendix.

There are also a number of similar applications which have been decided in the area of South East Lincolnshire.

Cheal Road, Gosberton

REF: H08-0443-22 - Erection of Dwelling
Location Corner of Cheal Road/Saltfleet Lane Gosberton Fen Spalding

This scheme was approved by South Holland District council and the following was stated by the officer with regard to the fallback position:

'In this case, the application property has a Class Q consent for a dwelling (ref. H08-0861-21). It seems likely that there is a clear desire by the landowner to develop and maximise the value of the site. Moreover, the scheme approved under Class Q is the conversion of a non-typical residential appearance

agricultural building into a dwelling. The current proposal is for a detached house that is in keeping with that of the vernacular Fenland Cottage in terms of design, scale and setting.

The proposal would deliver some benefits to the appearance of the site compared to the fallback position. This carries significant weight in favour of the proposal. On balance, taking account of the above considerations, it is considered in this particular case that the benefits of the proposed development compared to the identified fallback position are a material consideration which outweighs the conflict with the development plan and justifies granting planning permission for the proposal.'

Further to this the site is also similarly in a flood zone and therefore the following was stated:

'The site is within Flood Zone 3 of the Environment Agency Flood Maps and is not impacted by increased hazard or flood risk on the 2115 South East Lincolnshire Strategic Flood Risk Mapping. Finished floor levels would be sited at 300mm above existing ground level. For

this reason, a sequential or exceptions flood test is not required.'

This proposal also seeks to align the proposed floor levels with the recommendations of the prepared FRA. As a result this should similarly be deemed acceptable.

Corner of Cheal Road/ Saltfleet Lane

REF: H08-0271-23 - Proposed dwelling, extension/conversion to the existing cold store barn and demolition of existing agricultural barn, change of use of additional land to residential garden curtilage and temporary siting of caravan during construction phase

Location Corner of Cheal Road/Saltfleet Lane Saltfleet Spalding

This scheme was approved by South Holland District council and the following was stated by the officer:

'While the proposed dwelling would be located outside the nearest settlement boundary and would contribute very little to the sustainable development needs of the area, it is noted that the site benefits from an extant prior approval for

the conversion of an existing agricultural building into a dwelling and also for demolition of the barn and erection of a new dwelling. On this basis, it is considered that it would be unreasonable to refuse permission for the erection of an alternative dwelling in this instance given the fall-back position, subject a revocation order in respect of the previous permission for a dwelling. The proposal is considered acceptable in terms of design and layout, there are no highway impact concerns and sufficient parking space would remain. It is also acceptable on flood risk and drainage grounds.'

The proposal also has the real prospect of a fallback position and therefore should be assessed in a similar light. The design and layout should also be deemed acceptable, especially given this was mostly agreed through pre-app advice.

Wisteria Farm

REF: H14-0810-23 - Construction of 3 dwellings and demolition of agricultural buildings

Location WISTERIA FARM NORTH
GATE WEST PINCHBECK SPALDING PE11
3TA

This scheme was approved by South Holland District council and the following was stated by the officer:

'The proposal would deliver some benefits to the appearance of the site compared to the fallback position. This carries weight in favour of the proposal. On balance, taking account of the above considerations, it is considered in this particular case that the benefits of the proposed development compared to the identified fallback position are a material consideration which outweighs the conflict with the development plan and is a justifiable material consideration in granting planning permission for the proposal.'

It can be argued this proposal similarly would deliver an improvement on site with regard to appearance due to the lack of architectural interest from the existing building and the carefully designed scheme.

Peak Hill

REF: H01-1082-23 - Erection of 4 dwellings and garages, demolition of existing agricultural building and change of use of land from agricultural to residential.

Location Barrier Bank Peak Hill
Cowbit

This scheme was approved by South Holland District council and the following was stated by the officer:

'The proposed scheme represents a betterment to what has been previously approved under Class Q. The design of the building along with the palate of materials are appropriate reflecting the scale and siting of the existing building and commensurate with the open countryside location....

On balance the proposal is considered to stay true to the permission granted under Class Q in retaining a footprint and scale comparable. The proposal is considered acceptable.'

The proposal like this example represents betterment on the site than what could be achieved via a prior approval application. The palette of materials are

also appropriate for its location and respects its countryside setting.

Summary

The above precedents each have similar aspects to the proposal and as a result the application should similarly be seen in the same light and recommended for approval based on the same justification.

Design

Use

The current use of the site is agricultural, however has a realistic possibility of being converted to residential via a Class Q application. The application also proposes a use of residential. The potential for residential development in this location sets a precedent for this use and therefore the proposed use is in line with this.

Amount

The number of dwellings proposed on site is 4. The number of existing buildings on site is 1 and it has the real prospect to be converted via prior approval to 5 dwellings. However, when producing a new build scheme for the site, inspired by local vernacular dwellings, 4 dwellings provided a better arrangement.

Each dwelling will contain 4/5 bedrooms. Car parking spaces on site have been allocated in line with each dwelling having 3 car parking spaces. Some of these spaces are within integrated garages.

Layout

Site

The site layout has been designed to be an improvement on site, as a result some of the proposed dwellings are partially sited on the footprint of the existing building (plots 2 & 3). The plots are arranged to reflect a traditional range of barns in a courtyard style. Examples of this can be seen in the area and is appropriate for this rural site.

Dwellings

The interior layout of the dwellings reflect modern living, all interior layouts are similar with some variation. The living spaces are on the ground floor with the bedrooms and bathrooms on the first floor. All plots also have an open plan kitchen dining area, with a separate living area.

Scale

The scale of the proposed development has been designed to be sensitive to the site's history and setting. As a result, the dwellings are 2 storey to reflect the neighbouring dwellings and traditional barns. The dwellings are of a suitable scale for the area and site. The gardens are also generously sized.

The gross internal areas (GIA) of the dwellings total approx. 916m².

Landscaping

The proposed landscaping scheme has been designed to improve the biodiversity of the site. Currently on site, other than areas of hardstanding, the vegetation includes grass and trees. The trees are located around the perimeter of the site and provide excellent screening for the development and privacy.

The proposed scheme retains these trees and proposes new tree planting. New native hedge planting is also proposed to further improve biodiversity and natural screening to the plots. Further details are shown on the site plan submitted with the application.

Agricultural land is often perceived as being 'natural' due to the presence of vegetation and crops, however the land is often very lacking in diversity and is not conducive to wildlife. As a result, these landscaping additions will be a benefit and improvement on site. Promoting biodiversity in this area also has a net benefit for the remaining agricultural land for example through providing

habitats for pollinators such as hover flies that feed on pests like aphids. This shows that these additions will not only benefit the site but also the surrounding rural area.

Appearance

The design rationale for the proposal was to reflect traditional brick and pantile barns which would have been converted to dwellings, as such red brick with detailing has been proposed as well as fenestration detailing typical of converted barns.

Access

Site Access

Access to the site is via a new access adjacent to the adopted highway within the 30mph zone. Separate driveways are proposed off this shared surface private driveway and leads to the parking spaces and integrated garage(s) for each dwelling.

Proposed Parking Provision

In line with required standards, all plots have 3 car parking spaces, some of which being in integrated double garages.

All dwellings would also have provisions for electric vehicle charging via charge points inside the garages along with the provision for future charger points to be installed as per is required for new build dwellings.

Conclusion

The application relates to an agricultural site located within the countryside associated with Pinchbeck. It comprises one agricultural building with a real prospect to be converted via Class Q to be converted to 5 residential dwellings.

The construction of the four proposed dwellings is contrary to the provisions of the SELLP in respect to development in the countryside.

However, it has been demonstrated that a fall-back position exists in this case arising from the ability to convert the buildings to 5 dwellings pursuant to a prior approval procedure under the provisions of Class Q. Case law has been cited and points to paragraph 12 of the NPPF that references where other material planning considerations can weigh in the planning balance. There is a real prospect of the fall-back position

and the weight to be afforded to the possibility of a Class Q fall-back. The proposal also offers a betterment in terms of design, layout, sustainability and biodiversity.

Overall, the scheme offers the opportunity for betterment in that it enables five well-designed dwellings built to modern building standards, with a cohesive character referencing the history of the site and local vernacular. It is accepted that such matters of design are to a degree subjective but that the coordinated and cohesive form of development proposed represents in the planning balance an improvement on the Class Q fall-back position and therefore should be supported.

Appendices

Appendix 1 – Existing Site Photographs



J2002 – Fengate Road, Pinchbeck

Appendix 2 - Judgement: Mansell
V Tonbridge And Malling Bc [2017]
Ewca Civ 1314.