

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H14-0865-19	Applicant:	Mr S Franks
Proposal:	Proposed replacement dwelling		
Location:	Kingfisher Small Drove Lane Pinchbeck		
Terminal Date:	19th January 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
10	Meeting Assessed Housing Requirements
11	Distribution of New Housing
17	Providing a Mix of Housing
19	Rural Exception Sites
22	Replacement Dwellings in the Countryside
28	The Natural Environment
36	Vehicle and Cycle Parking
APPENDIX 6	Parking Standards

National Guidance

National Planning Policy Framework 2019

NPPF

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
BLACK SLUICE INTERNAL DRAINAGE BOARD	0	0	0	1

SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	1	0	0	1

CASE OFFICER ASSESSMENT

Proposal

Outline application for a proposed replacement dwelling. Since submission additional information has been submitted and the indicative plans changed.

Site Description

The land is a domestic garden within the open countryside. The original bungalow on the site was removed as it was unsound but the detached garage remains.

History

H14-0257-11. This development was not commenced.

Consultation Responses

Pinchbeck Parish Council Recommend approval.

SHDC Legal Service

The starting point for this has to be the replacement dwelling policy in the Local Plan, Policy 22 - Replacement dwellings in the countryside. In the justification it states at para 5.14.3 that:

"Consequently, the replacement of dwellings in the Countryside will be permitted provided that the dwelling to be replaced has not by its condition or subsequent use led to the abandonment of its residential use. Where a building has been demolished or has collapsed, or where because of its state of dereliction any new building work would in effect be creating a completely new dwelling in the Countryside, its replacement will not be permitted."

It has been established in the courts that the demolition of a building upon which the use of land relies, removes any use rights pertaining.

Appreciate that the development of this site has been filled with lots of misfortune. Unfortunately, think we need to take this out of the equation. Therefore, from a purely planning perspective there is nothing on site to be replaced (as advised in the application and further demonstrated by the photographs taken on site) and there has not been for a number of years. It would need to be an application for a dwelling to be determined in line with current policy on the planning merits of the case.

Third Parties

One objection - Pleased for a new dwelling to be built as at present it looks an eyesore. However, should a house be built there it would overlook a bedroom, living room and garden. Understand it may be to their financial advantage to build a house on a relatively small space but another bungalow would be more appropriate and not intrude on privacy in a rural setting. Last time permission was sought they were stopped from cutting down any trees without

permission. This seems unnecessary and in fact there is a huge Leylandi at the front of the property which really needs to come down before it interferes with phone and electric lines or in a worst case scenario falls into other gardens or on their new dwelling.

Planning Considerations

Principle of replacement dwelling and the status of buildings on the land

Policy 1 - *Spatial Strategy* of the South East Lincolnshire Local Plan (SELLP) sets out the strategy for development within the District, and states, inter alia that within the countryside:

The rest of the Local Plan area outside the defined settlement boundaries of the Sub-Regional Centres, Main Service Centres, Minor Service Centre and Other Service Centres and Settlements is designated as Countryside.

In the Countryside 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.

In this case the application does not provide a compelling case that the development would represent sustainable development within the definitions of the National Planning Policy Framework 2019 (NPPF) or the policies of the SELLP.

Policy 22 - *Replacement dwellings in the countryside* of the SELLP sets out the considerations for replacement dwellings in the countryside, and sets out certain criteria. When looking at this site there is now no longer a dwelling upon the site, nor residential use being undertaken, this policy cannot be used to justify a replacement dwelling. This view is supported by the opinion of the Council's Legal Service, which is set out above.

As this is the case, although the proposal would make a contribution, albeit small, towards housing supply in the district, this factor is outweighed by the harm that the proposal would cause in terms of other social and environmental effects.

The site is located within open countryside and does not relate well to any existing settlement. The proposed development, if permitted, would result in an incursion into the open countryside at this point, which would be contrary to the NPPF which states that planning decisions should ensure that developments are sympathetic to local character, including landscape setting.

Furthermore, it is not considered that it has been demonstrated that there is an overriding need for the proposed dwelling to be in this location and. It would also set a harmful precedent by encouraging further applications of a similar nature in the District, thereby eroding the open countryside character of this area. This would cumulatively harm the aims and objectives of both the Framework and SELLP to ensure that new development is sustainable and protects the character and appearance of the area and countryside.

The site is therefore considered to be contrary to Policies 1 and 22 of the South East Lincolnshire Local Plan, 2019, as well as the provisions of the National Planning Policy Framework, 2019.

Design and form of development

This application is in outline only, and the details of any dwelling on the site would require the submission of a reserved matters application that would resolve issues of detail, such as the design and form of development.

Impact on adjoining residents

This application is in outline only, and the details of any dwelling on the site would require the submission of a reserved matters application that would resolve issues of detail, such as the impact on adjoining residents.

Conclusion

Refuse for the reasons set out above.