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**PROPOSED ERECTION OF A DWELLING
CHURCH FARM, LOUTH ROAD, SOUTH SOMERCOTES**

Dear Sir/Madam

Please find enclosed a full planning application for the erection of a detached dwelling at Church Farm in South Somercotes.

In July 2019 an application was submitted to determine whether Prior Approval was required to convert an agricultural building on the site to a dwelling under Class Q of the Permitted Development regulations (application reference N/162/01366/19). In September 2019 it was confirmed by the Council that Prior Approval was not required and that the conversion of the barn to a dwelling could proceed.

Unfortunately, prior to works commencing a tree collapsed onto the building, causing extensive damage. Consequently, it was deemed more appropriate to rebuild the structure. These works are at an advanced stage, with most of the external walls and raised ground floor in place. This latest planning application therefore seeks full planning permission for what is effectively a replacement dwelling.

The replacement building has been constructed in full accordance with the plans for the previously approved conversion, occupying the same position and footprint. Prior to its use as an agricultural building, the original building was used as a chapel. Consequently, the building had a significant level of external brick detailing. The same detailing, including a reproduction of the original front elevation of the chapel, has been included within the new building.

In accordance with the approved conversion, the flood mitigation measures set out in the previous Flood Risk Assessment will be adopted and the raised ground floor level (1m high) is clearly visible in the current construction. In addition to the previous measures, it is proposed to add a first-floor mezzanine over the bedroom and bathroom.

Whilst it is unfortunate that the original building could not be converted, the building of a like for like replacement dwelling will have numerous benefits for the future occupants and the wider area. The new building will be superior in terms of thermal efficiency and energy use, not only helping the occupants to keep the cost of living down but also reducing the effect of the dwelling on the environment. Materials from the original structure have been reused wherever possible, reducing waste and the amount of embodied energy. Whilst the replacement building will have the same

appearance as the original, the quality of the aesthetics will be significantly improved and as such will lead to a further enhancement to the character of the area.

As the proposed building is in the same position and has the same scale, form, and appearance of the original building there will be no effect on the character of the area or on residential amenity. As the same existing access will be utilised there will also be no effect on highways safety.

If the original building remained in place and still benefited from prior approval to convert to a dwelling, an application to replace it with a new dwelling would likely be supported as it is established in law that permitted development rights can lawfully represent a 'fall back' position when alternative proposals are considered for development located on the same site.

The fall-back position has been discussed and applied within numerous appeal decisions which have helped shape case law. One of the most relevant cases relates to *Mansell v Tonbridge and Malling*. Since that case, many other prior approvals to convert agricultural buildings have been re-applied for introducing a new improved dwellings on the site and have been approved.

In this case as the original building, it no longer in place, the fall-back position does not technically apply. However, the fact that the site had permission for a dwelling and could have been suitable for a fall-back proposal is a material consideration. The applicants had no control on what happened to the original building and therefore the situation they are in is not the result of their own actions. Taking their unfortunate circumstances into account, together with the planning history of the site, it is considered that on this occasion planning permission for the new dwelling can be granted.

I trust that the enclosed information provides you with sufficient information, however, please do not hesitate to contact if you require anything further.

Yours faithfully

A black rectangular box redacting the signature of Andrew Clover.

Andrew Clover