

Planning Supporting Statement

on behalf of Mr M Shepard

Application for the conversion and change of use of an existing commercial holiday let (restricted C3) into a residential dwellinghouses (C3) and division of residential curtilage

at Moor Farm, Black Lane, Doddington

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For and on behalf of Brown & Co.

Brown & Co is a leading provider of agency, professional and consultancy services across the whole range of rural, commercial, residential, and agricultural markets.

Date: November 2022

Reference:

1. INTRODUCTION

1.1 This Planning Statement has been prepared by Brown & Co JHWalter to support a full planning application on behalf of Mr M Shepard for the change of use of barn used as a commercial holiday let (restricted C3) into residential dwelling (C3 use) and ancillary division of residential curtilage at Moor Farm, Black Lane, Doddington.

1.2 The purpose of this statement is to set out the background to the applicant's proposals and the key planning issues raised by them. The statement is structured as follows:-

- **Section 1:** Introduction
- **Section 2:** Describes the physical characteristics of the site and its surrounding;
- **Section 3:** Outlines the proposed development;
- **Section 4:** Summarises the relevant national and local planning policy context;
- **Section 5:** Provides a planning assessment of the key considerations raised by the proposal; and
- **Section 6:** Sets out in brief our overall conclusions of the proposal.

1.3 This statement should be read in conjunction with the following application documents submitted as part of the application:

- Planning application form
- Site Location/Existing Site Plan (red line plan) - Ref (08)101
- Proposed Site Plan — Ref. (08)102
- Existing Floor Plans — Ref. (08)104
- Existing Elevations — Ref. (08)105
- Proposed Ground Floor—Ref. (08)106
- Proposed First Floor — Ref. (08)107
- Proposed Elevations — Ref. (08)108
- Application N/23/0806/08 Decision Notice
- Officer Report 17/0653/FUL

2. SITE & SURROUNDINGS

Characteristics of Site & Surroundings

2.1 Moor Farm is now a 10 bedroom private residential dwelling house finished to a very high standard, with planning permission (N/23/0806/08) granted on 2nd October 2008 to convert the majority of the barns to a private dwelling. The southern most wing (highlighted yellow in figure 1) was designated as a holiday let and a small area to the north of the bedrooms (highlighted magenta) was designated as a mixed use area in the 2008 planning permission. Figure 1 identifies the areas designated for holiday let and mixed use on the existing floor plan submitted with this application.

2.2 The residence is sited east of, and accessed from Black Lane. The dwelling is set back from the road approximately 165m back in an open countryside location.

2.3 Immediately to the north of the dwelling is a large new build dwelling known as Moor Farm House, accessed from Lincoln Road approximately 200m further north. Beyond the farmhouse to the north west is Cedar Parc industrial area and to the north east further agricultural fields.

2.4 To the south is a further detached barn granted planning permission for 3 easy access holiday lets and subsequently granted permission for use as a residential dwelling in July 2017 (17/0653/FUL). A substantive start has been made on this conversion. Beyond the detached barn are agricultural fields.

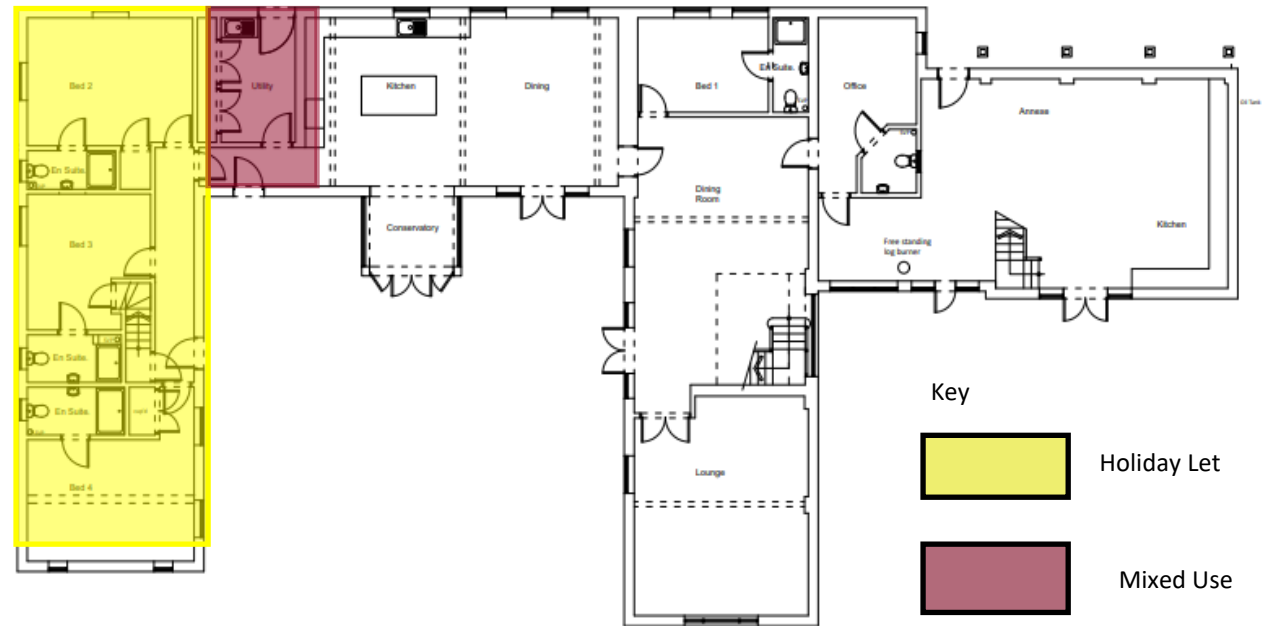


Figure 1— Ground Floor Plan—Existing

2.5 To the west of Moor Farm Barns is the front garden and access to the residence with paddock land running up to Black Lane and agricultural fields beyond.

2.6 To the east of Moor Farm barn are the residence's rear gardens with agricultural fields beyond. The area is atypical of Lincolnshire in general, but quite typical for this part of Lincoln, with a large number of trees giving the feel of a wooded area.

2.7 The site is very well screened which the decision notice for N/23/0806/08 confirms stating:

The site is well screened by the existing bund, mature trees and boundary hedgerow, ensuring that its visual impact in the open countryside is negligible. It is considered that the proposal conserves the essential character and appearance of this rural location.

2. SITE & SURROUNDINGS

Site Planning History

2.8 A search of North Kesteven's planning records shows the site has the following planning history:-

- Change of use from barns to office use **N/23/0231/05**
- Conversion of agricultural barns to form holiday accommodation, conversion of agricultural barn to form dwelling. Application reference: **08/0806/FUL**. Approved 2nd October 2008.
- Application to discharge 08/0806/FUL conditions 2-7, 9-11, 13, 19 and 20 on Moor Farm Barns. Application reference **10/0384/DISCON**. Approved 2nd July 2010.
- Erection of side extension to dwelling. Application reference: **14/0011/HOUS** – Withdrawn 11th February 2014
- Erection of side extension to dwelling (Re-submission of 14/0011/HOUS) – Application reference: **14/0389/HOUS**. Approved 23rd May 2014.
- Application for a non-material amendment following grant of planning permission N/23/0806/08 (Conversion of agricultural barns to form holiday accommodation, conversion of agricultural barn to form dwelling) for removal of Barn 2 from the approval. Appli-

cation reference **15/0530/PNMAT** .

- Conversion and change of use of an existing agricultural barn to a single storey detached dwelling with incidental garden space and an ancillary vehicular access onto Black Lane. Application reference: **17/0653/FUL** Approved 17th July 2017. Then implementation time extended to 1st May 2020 through the *Business and Planning Act 2020*
- Application to discharge condition 2 (materials), 3 (window & door details), 4 (details of new brick pillars & repair work to existing), 5 (boundary treatment), 6 (contamination scheme), 7 (Tree/hedge protection scheme), 9 (landscaping) & 11 (bat & bird nesting details) of 17/0653/FUL - Conversion and change of use of an existing agricultural barn to a single storey detached dwelling with incidental garden space and an ancillary vehicular access onto Black Lane. Application reference: **17/1723/DISCON**. Approved by split Decision—part approved on 5th December 2018.
- Application for Additional Environmental Approval in relation to planning application 17/0653/FUL (conversion and change of use of an existing agricultural barn to a single storey detached dwelling with incidental garden space and an ancillary access onto

Black Lane). Application reference: **20/1025/AEA**. Approved 21st August 2020.

- Application to discharge 17/0653/FUL conditions on barn to south of Moor Farm Barns. Application Reference: **21/0568/DISCON**. Approved 19th May 2021.

Summary

- Permission granted for conversion of barn to office use
- Permission granted and implemented for all barns to include dwelling /attached holiday let and separate easy access holiday let.
- Permission granted for side extension to dwelling.
- Permission granted to remove separate holiday let from original permission.
- Permission granted to convert separate easy access holiday let to separate dwelling and permission implemented.

3. THE PROPOSAL

3.1 The proposed application is for the change of use of attached holiday let (restricted class C3) to dwellinghouse (class C3). As such, according to Section 55(2) of the T&CPA 1990, the proposal does not involve a material change of use and the only operational development being a slight revision in the layout of access, garden and paddock land to enable the two dwellings to operate independently. The development has the following attributes as shown on the proposed site plan: -

Access — The proposal will continue to use the existing gated access from Black Lane to the west of the property. The main access to be shared, but the internal trackway will be rearranged to enable separate access to each property and provide parking and turning areas. The new layout will enable the vehicles to turn and leave the site in a forward gear. In particular the existing stoned track to the garaging area at the north of the existing layout will be removed and grassed and a new stoned track will provide access to plot 2 (see Figure 2—Proposed plans drawing (08)106).

Layout — The proposed site layout plan shows the conversion of the building into two dwellings the dotted redline on each of the proposed plans and proposed elevations identifying the division into two separate dwellings. The existing footprint and all existing features will be retained as part of the proposals. The existing garden land, manege and pad-

dock land will retain their existing functions. The

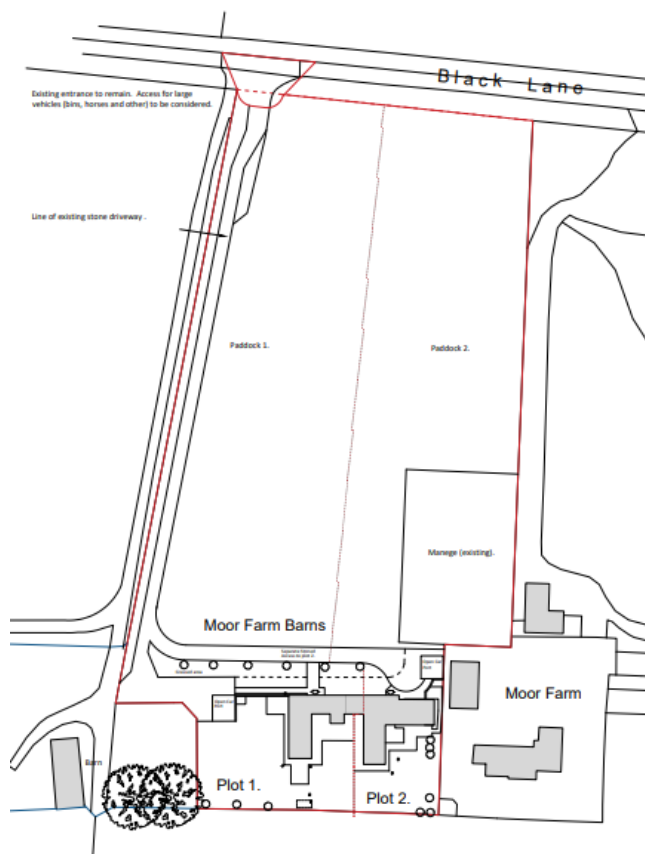


Figure 2: Proposed Site Plan

garden land and paddock to be divided by post and rail fencing to demark the separate ownership and 1800mm high walls to the front (west) elevations of the property provide privacy and security for each property.

Scale —The submitted plans indicate that the building's existing massing (including the permitted extension to the north of what is now identified as plot 2 on the drawings) will be retained and effectively what was a semi-detached house and holiday let, will become two separate unrestricted C3 semi detached dwellings with minor changes to the external appearance as shown in the proposed elevations (drawing (08)108) and described below under appearance; for example altering two wider doorways to function as new separate entrances to each property and new paving to provide access.

Landscaping — The existing landscaping on the site will be retained, with the exception of new boundary walls, car parking area and paving to enable dry access to the properties. The paddock area will be divided into two with Lincolnshire post and rail fencing and the gardens to the east of the dwellings will be separated along the dashed redline on the proposed plans by a 1800mm high close boarded fence.

Appearance — The conversion of the building will retain the overall character of the existing conversion with very few minor changes to enable the 2no dwellings function independently. The proposed plans (principally (08)106 and (08)108) show all of the changes, which include access track, pathways, boundaries and changes to a few openings in the property elevations. The revised openings by eleva-

3. THE PROPOSAL

tion include:

North West elevation:

- New wider entrance door for each property replacing existing narrow doors.
- New kitchen window in garage door location for plot 2 overlooking paddock.

North East elevation:

- Slightly widen existing door opening to allow for pair of fully glazed doors to give access from lounge to patio. In plot 2 .

South West elevation—Plot 2:

- First floor windows in south west elevation of plot 2 to be obscure glazed in order to provide privacy for plot 1.

South East elevation:

- Reduce size of glazed window with central opening door on plot 1 to facilitate division of property (see dashed line on elevation drawing).
- Replace door in elevation of plot 1 with triple glazed panel to allow in light lost by reducing glazing noted above.
- Insert new quadruple glazed panel with central opening doors into gable end of plot 1.

South West elevation—Plot 1:

- Replace window in proposed lounge with pair of fully glazed doors to allow access to patio.

3.2 All new doors and windows will be set in reveal to retain the agrarian appearance and character of the building as per existing fenestration.

4. PLANNING POLICY CONTEXT

4.1 Planning law requires that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. The development plan is, therefore, the starting point for the assessment of all planning proposals. Development plan policies of particular importance to this application are summarised in paragraphs 4.3 to 4.10 below.

4.2 The Government's planning policy, as set out in the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPFG), are also significant material considerations. National planning policies of particular relevance to this application are summarised in paragraph 4.10.

Development Plan Policies

4.3 The development plan for this application comprises of the Central Lincolnshire Local Plan (CLLP) adopted in April 2017. The overarching policies relevant to this application are policies LP2 (The Spatial Strategy and Settlement Hierarchy) and LP55 (Development in the Countryside).

4.4 Policy LP2 sets out the spatial strategy and settlement hierarchy for all settlements in the Central Lincolnshire area. Given the site is not situated within or immediately beside an existing settlement, it is considered to be situated at the bottom of the hierarchy (Category 8: Countryside). Applications for development are dealt with under Policy LP55 which utilises a criteria based approach to determine ap-

plications for residential and non-residential development within the rural area.

4.5 Policy LP55 relates specifically to development allowed in the countryside and utilises a criteria based approach to determine residential and non-residential planning applications in the rural area. is split into seven different parts. Part A is directly relevant as it refers to the re-use and conversion of non-residential buildings for residential use in the countryside. It advises that the change of use to a residential use will be supported provided that the following can be met:-

- a. Comprehensive and proportionate evidence to justify that the building can no longer be used for its original purpose or its purpose for which it was last used, **or** that there is no demand for its use of the building for business purposes;
- b. The building is capable of conversion with minimal alterations; and
- c. The building is of notable architectural or historic merit.

4.6 The other relevant CLLP policies deemed relevant to this application include:-

- Policy LP13: Transport and Accessibility
- Policy LP25: The Historic Environment
- Policy LP26: Design and Amenity

Emerging Local Plan Policies

4.7 The CLLP policy Team are currently in the process of producing a new Local Plan. The overarching policies relevant to this application are policies S1 (The Spatial Strategy and Settlement Hierarchy) and S5 (Development in the Countryside). Policy S1 is very similar to adopted policy LP2 setting out the spatial strategy and settlement hierarchy for all settlements in the Central Lincolnshire area. Given the site is not situated within or immediately beside an existing settlement, it is considered to be situated at the bottom of the hierarchy (Category 8: Countryside). This section of the policy is written to strictly control development in the countryside and advises planning permission will only be granted for development in very specific circumstances. One of the circumstances is proposals falling under emerging policy S5.

4.8 Policy S5 relates specifically to development allowed in the countryside and is split into seven different parts in a very similar fashion to adopted policy LP55. Part A is directly relevant to this application. The wording of S5 replicates that in adopted policy LP55, which is outlined in paragraph 4.5 of this statement.

4.9 The other relevant emerging CLLP policies deemed relevant to this application include:-

- Policy S47: Accessibility and Transport

4. PLANNING POLICY CONTEXT (CONTINUED)

- Policy S53: Design and Amenity
- Policy S57: The Historic Environment

None of these policies vary significantly from the adopted policies they replicate and as they are not yet adopted, no further reference is made to the emerging plan.

National Planning Policy Framework (NPPF)

4.10 The relevant sections of the NPPF are as follows:-

Rural Housing

Paragraph 78: In rural areas , planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs...

Paragraph 80: Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

Paragraph 80, point 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.

Paragraph 80, point c: The development would re-use redundant or disused buildings and enhance its immediate setting.

Paragraph 80, point d: The development would in-

volve the subdivision of an existing residential building

Paragraphs 190 point a: the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses to 198: Impact on the setting of heritage assets and putting them to viable uses consistent with their conservation.

5. PLANNING ASSESSMENT

Principle of Development

5.1 The application site is situated within the countryside, where development is determined by criteria set out in policy LP55 of the adopted CLLP and policy S5 of the emerging CLLP. There is no policy covering the application situation per se, the nearest is **LP 55 Part A: Re-use and conversion of non-residential buildings for residential use in the countryside**, where three sub elements (A-C) outline the detail of the policy criteria.

5.2 Part A states:

Comprehensive and proportionate evidence to justify that the building can no longer be used for its original purpose or its purpose for which it was last used, or that there is no demand for its use of the building for business purposes.

The Decision Notice for application N/23/0806/08 (copy attached) clarifies the development in the description as planning permission for two separate elements: holiday accommodation (C3) and a dwelling (C3). Therefore residential use is established on this site. While the building that had previously been used as a holiday let will no longer be used as such, it will still be used for residential accommodation, still be C3 and will only have the restrictions removed as set out in the various conditions imposed within the Decision Notice (Conditions 15, 16, 17, 18). Therefore this element does not strictly

apply to the application.

5.3 Despite this view the site has been advertised with Fine and Country from June 2021 and then Express Estate Agency until June 2022. The feedback was that no one wanted a large expensive house with a large holiday let attached, due to privacy and security conditions. There is clearly no demand for the business element of the property and so LP55 part a is met.

5.4 Part B states:

The building is capable of conversion with minimal alteration.

The plans and elevations submitted with this application outline the very minimal changes suggested to the building. It is asserted that the proposal is supported by this element of the policy.

5.5 Part C states:

The building is of notable architectural or historic merit.

The barn is an attractive traditional Lincolnshire Farm building being part stone and part brick under a pantile roof. It is a non-designated heritage asset of significant size and worthy of protection as part of the historic landscape of this part of Lincolnshire. Preservation has been achieved by sympathetic conversion to a residential use and so this element of LP55 supports the application.

5.6 CLLP Policy LP13: Transport and Accessibility has a number of criteria that should be considered when a planning application is submitted. The only change to the present situation, which is obviously acceptable in terms of this policy is that the change from holiday let will at worst lead to similar traffic, but in most cases will reduce traffic. The trip profile of holiday let use would be trip to Lincoln from a distance and then regular local trips out to visit tourist attractions, for meals, theatre etc leading to a higher number of trips across a wider part of the day than the usual domestic use of commuting to work and if appropriate school runs. The revised access arrangements allow adequate parking, turning areas and separation of access arrangements to increase on site safety. New surfacing will be permeable to allow the absorption and penetration of rainwater.

5.7 In addition it should be noted that the dwelling is in an excellent location for short trips to a large number of employment locations. This includes access to cycle provision alongside the Doddington Road.

5.8 It is clear that the proposal complies with CLLP Policy 13 and as such is supported by it.

5.9 CLLP Policy LP25: The Historic Environment clarifies the importance of assessing impact upon a heritage asset (whether designated or not) and ensuring development does not have a significant im-

5. PLANNING ASSESSMENT (CONTINUED)

impact upon the significance of the heritage asset either directly or upon its setting.

5.10 In particular policy states that:

Development proposals will be supported where they:

f. Take into account the desirability of sustaining and enhancing non-designated heritage assets

And

The change of use of a heritage asset will be supported provided:

g. the proposed use is considered to be the optimum viable use, and is compatible with the fabric, interior, character, appearance and setting of the heritage asset;

h. such a change of use will demonstrably assist in the maintenance of the heritage asset; and

i. features essential to the special interest of the individual heritage asset are not lost or altered to facilitate the change of use.

The proposed change of use will guarantee a viable present and future use of the building as a residential dwelling. The non-designated heritage asset will be retained within its setting with very little change to the fabric of the building. The use will ensure the building is maintained, preserved and is the optimum viable use for such a structure with the likelihood of regular home-owner maintenance rather

than it having the potential to be seen as a business asset and maintenance being seen as a commercial decision.

5.11 CLLP Policy LP25 clearly supports the proposal and little change is proposed from the original planning permission granted in 2008, which was considered to be an appropriate development and use of this non-designated heritage asset.

5.12 CLLP Policy LP26: Design and Amenity sets out the principles and criteria by which development should be judged from both a design and amenity viewpoint. The **Design** of the scheme has changed very little from that already granted permission and developed in a sympathetic way to maintain and preserve the buildings. It is asserted that the conversion of the building has complied with the 12 design principles listed in the policy, furthermore the minor changes proposed as part of this application do not materially change the existing development.

5.13 Given the site's remote location, the number of visual receptors are minimal and limited to views from some distance. The dwellings appearing to be barns/outbuildings associated with the large residence that is Moor Farm House. The Decision Notice for the original conversion to residential (N/23/0806/08) stating:

The site is well screened by the existing bund, mature trees and boundary hedgerow, ensuring that

its visual impact in the countryside is negligible.

Nothing about this proposal changes the visual impact of the site.

5.14 The 9 **Amenity** considerations have been reviewed and the change from holiday let to private dwellings is considered to be an improvement in that there will only be one neighbour/family and not a large number of temporary occupants. The proposal has been designed to ensure that no loss of amenity to either dwelling will take place. In particular obscure glass has been proposed for the first floor windows in the south west elevation of Plot 2 to avoid any overlooking. Safe environments, areas for waste collection and increased security has been designed into the minimal changes by the revised access and boundary treatments where appropriate up to 1.8m high.

5.15 It is asserted that the proposal is supported by CLLP Policy LP26.

Flood risk and drainage

5.16 The NPPF and the accompanying NPPG advise to locate development in areas where it is at the lowest probability of flooding. This is particularly important when the use is classified as being "more vulnerable" to such flooding as is the case with this proposal.

5.17 In this instance the entire application site falls within flood zone 1, the area at the lowest probability

5. PLANNING ASSESSMENT (CONTINUED)

ity of flooding from rivers and the proposal passes the sequential test in the NPPF.

5.18 No changes are taking place to the way Surface water is being dealt with. Any new areas of hard standing will be permeable and surface water from the proposed development will drain into the surrounding grassland and, given their low density, there is the ability to attenuate on site to 1 in 100 plus climate change levels if required. It is, therefore, envisaged that surface water drainage and runoff will have a neutral impact.

National Planning Policy Framework (NPPF)

5.19 As stated above CLLP LP55 is the Development Plan Policy that is in place that is referred to in order to determine development in open countryside. The policy does not however really fit the proposal and as that means the local plan is effectively silent on this issue we refer to NPPF.

5.20 The Rural Housing section of the NPPF is the national Development Plan policy against which to determine countryside development. The NPPF states in:

Paragraph 78: In rural areas planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs...

Paragraph 80: Planning policies and decisions should avoid the development of isolated homes in

the countryside unless one or more of the following circumstances apply:

Paragraph 80, point 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.

Paragraph 80, point c: The development would reuse redundant or disused buildings and enhance its immediate setting.

Paragraph 80, point d: The development would involve the subdivision of an existing residential building

It is clear that all of the above paragraphs are relevant to and support the proposal, in particular Paragraph 80 point d above which is directly relevant to the exact situation where we have a dwelling that has a restricted area for holiday that that the applicant which to subdivide to create a separate unrestricted C3 dwelling.

5.21 It is asserted that the NPPF is the appropriate part of the development plan under which to consider this application and supports the proposal to create a separate unrestricted dwelling.

5.22 Paragraphs 190 point a: the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses to 198: Impact on the setting of heritage assets and putting them to viable uses consistent with their

conservation. These paragraphs support the approach taken in LP25 of the CLLP.

5.23 In conclusion,:

- if the applicant's view (that LP55 Part A: a) does not quite fit the application) is correct, then the application is clearly supported by the NPPF as no other policy in the CLLP is applicable, in particular paragraph 78 and 80 point d.
- If however in the view of NKDC as stated in the Principle of Development section of the delegated officer report for 17/0653/FUL is correct (i.e, that LP55 A: a) does support the reuse of the "business" element (holiday let) for change of use to residential), then the application is policy compliant with the 2017 adopted Local Plan.

Either way the application is compliant with the Development Plan in place at the time of the application.

6. CONCLUSION

6.1 The proposal effectively requests the withdrawal of restrictions on a C3 use class to change part of a converted traditional barn from Holiday Let use to unrestricted C3 residential dwelling. This would create two dwellings out of a very large 10 bedroom house.

6.2 Despite LP55 not really being fully relevant to the proposal, it is worth noting that Moor Farm Barns was for sale with Fine and Country from June 2021 and then Express Estate Agency until June 2022. The property did not sell as there was no demand for such a large holiday let element fully integrated into a large isolated country dwelling. Those interested were interested in the property had two problems:

1—It is too large

2—they wanted to enjoy the property as a fairly private gated family home and did not want the privacy and security issues of regularly opening up their home to visiting occupants and party goers.

However the present planning requires an element of holiday let, which is one of the reasons for this application.

6.3 It should be noted that when the barn conversion was granted permission in 2008, planning policy only supported residential development in such a location, if associated with an element of business or commercial use, even though C3 in terms of plan-

ning use class, holiday lets being seen as one option for such an approach. Today policy has changed to support the retention of non-designated heritage assets and the quantum of dwellings would be driven by good design and heritage fabric retention not any other criteria. This large barn complex divides very neatly into two large residences and is not in demand as a large 10 plus bedroom dwelling or a 5 bedroom dwelling with a 5 bedroom holiday let attached. It is asserted that if this application came before NKDC as a conversion to two residences today it would be supported. This policy change and associated issues are a material consideration when determining this application.

6.4 There is also a precedent on site for the grant of a similar permission, in that the original planning permission for use of the small barn as a holiday let had been implemented. The small barn to the south of Moor Farm Barns was originally included in planning permission 08/0806/FUL granted October 2008. On the 13th July 2017 application 17/0653/FUL was granted to convert the barn into a single storey dwelling with garden and separate access. The officer report clearly concluding that NKDC were of the opinion that this situation met the requirements of LP55 Part A: a-c. A situation that is the same as the present application.

6.5 In addition as a material consideration, NKDC granted planning permission for 10 lakeside holiday chalets immediately adjacent to the proposal (planning application 12/0160/FUL) which are just being built out now. Any loss of tourist accommodation due to this proposal, will more than be made up for in this adjacent development.

6.6 While there is clearly demand for large rural houses and holiday lets within the area immediately around Lincoln, the particular configuration of this property is not in demand as shown by the failure of the marketing campaign.

6.7 While it is not a material planning consideration, the applicant is presently legally required to divide his assets and as he is not able to sell the property, needs the ability to live in one half of the property and dispose of the other half to fulfil his legal responsibilities.

6.8 Policy supports the division of the building into two unrestricted residences. It is asserted that the proposed use is the optimum viable use for an undesignated heritage asset, in this isolated and well screened location. Whichever interpretation of LP55 is taken, this application is clearly policy compliant with the current Development Plan and as such is submitted to NKDC for consideration.