



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Planning Committee

19 August 2020



Additional Information Report

This report sets out additional information in relation to planning applications for consideration at the Planning Committee on 19 August 2020 that was received after the Agenda was published.

S19/1483

Proposal: Outline Planning Permission for the erection of a one and half storey dwelling with approval being sought for access only

Site Address: Vine House, 19 High Street, Carlby, PE9 4LX

Summary of Information Received: A number of questions and requests for clarification have been put forward by Members following publication of the original Committee report and the Committee site visit

Officer comment: The questions raised and officer comments thereon are set out below:

Q1: Is this application for access only or does it include permission in principle for specifically a one and half storey dwelling?

A: The application is specifically for a one and a half storey dwelling. It is an outline application with all matters reserved except for access. Therefore, if it were to be approved, the only details being set by the permission would be the principle of a one and a half storey dwelling on this site and the position/nature of the access. The exact details of scale, layout, appearance and landscaping would be the subject of a future reserved matters application.

Q2: What is the order of adoption/publication and status of the National Planning Policy Framework (NPPF), South Kesteven Local Plan (SKLP) and Carlby Neighbourhood Plan (CNP)

A: The plans/documents listed above were adopted/published in the following order:

- Latest version of NPPF – Feb 2019
- CNP – March 2019
- SKLP – Jan 2020

The CNP and SKLP both form part of the statutory development plan. In cases where there are conflicting policies between local and neighbourhood plans, the most recently adopted policies take precedence. Planning law states that planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise. The NPPF does not have statutory status but is current government planning policy and therefore carries great weight as a material planning consideration in decision making.

Q3: What consideration has been given to the Carlby Village Design Statement as regards this old part of the village and the character and use of the plots?

A: The Carlby Village Design Statement (CVDS) dates from 2010 and does not form part of the statutory development plan although it is a material planning consideration. To a significant extent it has been superseded by the CNP, as well as relevant policies in the SKLP, so many sections of it carry very little if any weight. However Policy D.0.3. of the CNP states "Development proposals will be supported where they conform to the design principle in the Carlby Village Design Statement.". Therefore, the design guidance on pages 14-16 of the CVDS does still carry due weight as a material consideration. The key aims of the design guidance of the CVDS is to ensure that new development, including infill is "compatible with existing scale, vistas and detailing so the village retains its feel and look as a place with character and coherence". Detailed matters of appearance, scale, layout and landscaping would be the subject of a future reserved matters application so the detailed application of the design guidance in matters such as appropriate scale, position and materials would be carried out at that stage. However, the current application accords with the CVDS which advises that new houses should be no more than 2 storeys with dormer style housing limited to one and a half storeys. As discussed in the main report, a suitably designed one and a half storey dwelling would be well integrated with the village and would not harm the form and character of its surroundings or result in adverse amenity impact. Furthermore there would be no harm to the integrity of the village's characteristic dry stone walls which both the CNP and CVDS seek to protect. Taking the above into account, the proposal accords with CNP Policies V.0. and D.0.3. read together with the design guidance in the CVDS.

Q4: Clarification of previous and current use of the land and whether it is brownfield or greenfield?

A: It is noted that CNP uses an outdated definition of previously developed land. The current NPPF definition of previously developed land is:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

Using the above definition, agricultural land/buildings and residential gardens (although not necessarily all land and buildings associated with dwellings) would be greenfield land. Based on available evidence including the planning history, historic maps and information/photographs supplied by the applicant and Parish Council, the site does not appear to have ever been a residential garden or open "green" space. It appears to have been a yard associated with Vine House, physically separate and distinct from its domestic garden. Buildings visible on historic photos and maps, some of which still exist, include Vine House itself, two stone built barns, a stable block and open fronted cart sheds. It is likely that the site has been used for a variety of purposes over the years associated with agricultural and other uses, including keeping of animals such as pigs and chickens, storage/maintenance of agricultural equipment, stabling, domestic storage, workshop, farm offices, parking, etc. so may have been historically greenfield or brownfield or more likely a combination of both. The current owner has been using it for various purposes including a combination of domestic storage, workshop, parking and commercial purposes for what appears to be a period of greater than 10 years, in which case it would be brownfield.

Q5: Is this classed as backland development?

A: CNP policy D.1. Development: - Garden/green space size retention, seeks among other things, to restrict backland development, with D.1.1. stating "New individual developments within garden and back land areas will not be supported". The title of the policy specifically refers to "garden/green space". The supporting text also refers to the purpose of the policy to restrict inappropriate development of residential gardens. Furthermore, a map is provided on page 10 which highlights green spaces, large gardens and paddocks/pastures which it is considered desirable to protect from development. It is noted that the application site is not included. Policy D.0.2 of the CNP allows infill and redevelopment sites within the built-up part of the village. Infill is defined in the CNP as

“Infill is a small, restricted gap in the continuity of existing frontage buildings or on other sites within the built-up area of the village where the site is closely surrounded by buildings. Development will not involve the outward extension of the envelope of the village. Development is not considered to be back land or unneighbourly development, that requires unsuitable access, reduces the privacy of adjoining properties or is inconsistent with the character of the locality.”

These policies and definitions in the CNP, when read together would appear to restrict backland development relating to new dwellings within residential gardens or green spaces, but are much less clear on backland development of other sites which are not gardens or open green spaces.

As discussed in the original report, the policies in the CNP were based on the more restrictive strategic locational policies of the previous Local Plan. Some aspects of these policies have now been superseded by the more recently adopted SKLP which is more permissive of development in smaller villages such as Carlby.

SKLP policy SP3 allows infill development in smaller villages including Carlby subject to the following caveats:

- “a. it is within a substantially built up frontage or re-development opportunity (previously development land);*
- b. it is within the main built up part of the settlement;*
- c. it does not cause harm or unacceptable impact upon the occupiers’ amenity of adjacent properties;*
- d. it does not extend the pattern of development beyond the existing built form; and it is in keeping with the character of the area and is sensitive to the setting of adjacent properties.”*

This policy does not categorically rule out backland development. Whether the site is within a substantially built up frontage is a matter of planning judgement. In this case, whilst clearly the proposed dwelling would be behind existing development rather than fronting directly onto a road, it would utilise an existing access which is within a substantially built up frontage. It would also consist of redevelopment opportunity of what is land and buildings which are not a residential garden or open green space.

Changes to Recommendation: None