

Mason Baggott & Garton

Solicitors

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Your reference SRU 88566 Please ask for Mr Richard Mason
Our reference RM/TAW/NEW0282/1 Date 29 January 2009
Direct E-mail : richardmason@lawlincs.co.uk

Partners

Sir John Mason C.B.E., DL
Rex Garton
Steven C. Baggott LL.B.
Emma J. Johns LL.B. (Hons)
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Sarah Regan LL.B. (Hons)

FAO Graeme Moore
North Lincolnshire Borough Council
Neighbourhood and Environmental Services
PO BOX 42
Church Square House
Scunthorpe
North Lincolnshire
DN15 6XQ

Sent by Recorded Delivery

Dear Sirs

Re: Applicant ~ Mr Warwick May
Site Location ~ Mayfield House Farm, Brigg Road, Wrawby
Proposal ~ Application for determination of the requirement for prior approval for an agricultural building for storage
Application Number: PA/2009/0040

We act for Mr J S Newbert and Mrs A J Newbert of "Norwood" Brigg Road, Wrawby, North Lincolnshire, DN20 8RH.

Our clients' property immediately adjoins the house and land belonging to the applicant. Our clients have handed to us a copy of your letter dated 20th January 2009.

Our clients have the following objections to the proposed siting of the building:-

1. The building immediately abuts our clients' property; and
2. The building will obscure our clients' views over open countryside; and
3. The proposed height of the building of 14.5 metres is excessive; and
4. The building will cause loss of light to our clients garden and that of the neighbours' garden ; and
5. There is ample space the rear of the applicants existing buildings which is not in the direct sight-line from our clients' property; and
6. The proposed building is open-plan at the front. Our clients are extremely concerned that the applicant's sheep and livestock will use it for shelter and this will cause additional noise for our clients in their house and garden; and
7. Our clients are concerned that there is no obvious sign of the drain or a replacement as shown on the plan submitted by the applicant.

Also at

13/19 Wells Street,
Scunthorpe, North
Lincolnshire DN15 6HN
Tel: (01724) 868611
Fax: (01724) 280433
DX: 14707 SCUNTHORPE

1 Market Place
Epworth via Doncaster
DN9 1EU
Tel: (01427) 872661
Fax: (01427) 874257
DX: 18782 EPWORTH

South Street
Winterton
DN15 9RP
Tel: (01724) 732581



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Criminal
Defence Service



Family
LAWYERS

Community
Legal Service



m0005072/TAW/

While our clients have no objection in principle to the applicant erecting a building in an appropriate position on his own land they do have the following concerns in relation to its proposed use:-

1. The applicant is already operating a business from his property by selling hay, straw and rabbits. Our clients feel that the new building may be used to expand the existing business use into the sale of animal food stuff; and
2. In view of the above, there is an increase prospect of vermin infestation; and
3. This will also lead to an increase in traffic. This impacts upon our client personally and the public at large. With increased business use, there will be more traffic entering the applicant's land which will obviously increase traffic noise to our clients' property. In addition, access and egress to the applicant's property is on a dangerous bend and is not suitable for use by the general public.

Our clients have asked to point out that the location plan included within the applicant's application shows a construction which is marked as "existing livestock handling pen". This pen was erected on 27th January 2009 and was not in existence at the time of the application.

The Council will be aware that Mr and Mrs Newbert have been obliged to complain to the Authority in the past in relation to dog noise emanating from the applicant's land. These complaints were upheld by North Lincolnshire Council but notwithstanding this there has been transgressions which have required further action from North Lincolnshire Council officers. Although this is unrelated to this application, Mr and Mrs Newbert are keen to ensure that no development is carried on by the applicant which will increase the levels of nuisance they have suffered in the past.

Yours faithfully


MASON BAGGOTT & GARTON



The Planning Inspectorate

www.planning-inspectorate.gov.uk

For official use only
Date received

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".**

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within 6 months of the date shown on the Local Planning Authority's decision notice or, for "failure" appeals, within 6 months of the date by which they should have decided the application. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK INK**

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name **WARWICK MAY**

Organisation name (if applicable)

Address **MAYFIELD HOUSE FARM BRIGG ROAD
WRANBY N. LINCOLNSHIRE** Postcode **DN20 8RH**

Daytime phone **01652 658206** Fax

I prefer to be contacted by Post Email *

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name

Organisation name (if applicable)

Address

Postcode

Your reference

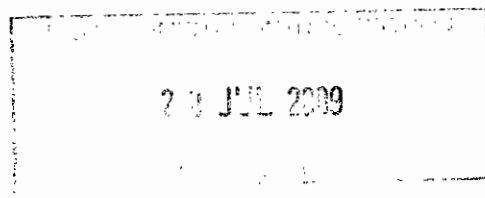
Daytime phone Fax

I prefer to be contacted by Post Email *

*Email address



PINS PF01 (REVISED AUGUST 2008)



C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA NORTH LINCOLNSHIRE COUNCIL

LPA's application reference number PA/2009/0040

Date of the application 200109

Did the LPA validate and register your application? Yes No

Date of the LPA's decision notice (if issued) 130209

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address MAYFIELD HOUSE FARM BRIGG ROAD

WRAWBY NR BRIGG

N LINCOLNSHIRE

Postcode

Note: Failure to provide the full postcode may delay the processing of your appeal.

Please answer the questions below:

- 1 Is the appeal site within a Green Belt? Yes No
- 2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet. Yes No

E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No

Area of the whole appeal site (i.e. the boundary) in hectares 1.00

Area of floor space of proposed development in square metres 140

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

- 1 Refused planning permission for the development described in Section E. 1
- 2 Granted planning permission for the development subject to conditions to which you object. 2
- 3 Refused approval of the matters reserved under an outline planning permission. 3
- 4 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object. 4
- 5 Refused to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above). 5
- Or
- 6 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval. 6

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE

W ✓ *

This is normally the simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions and changes of use).

* Please answer the questions below.

- a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes No ✓
- b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes ✓ No

The property and field cannot be seen easily from the road and for an inspector to gain sufficient knowledge of site conditions and relevant measurements access will be needed.

2 THE HEARING PROCEDURE

H ◇

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. At the hearing the Inspector will lead a discussion on the matters already presented in the written statements and supporting documents. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure.

◇ Please answer the question below.

- a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes No

3 THE INQUIRY PROCEDURE

I ▲

This is the most formal of procedures. Although it is not a court of law the proceedings will often seem to be quite similar, as the parties to the appeal will usually be legally represented and expert witnesses may be called to give evidence. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure.

▲ Please answer the questions below.

- a) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)
- b) How many witnesses do you intend to call? No. of witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Yes No

H. GROUNDS OF APPEAL

See section H of the guidance leaflet to help you decide what to include in your grounds of appeal.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

No

The proposed agricultural building is sited in an area ^{of land} close to my own house and to the rear of a garden of a neighbouring dwelling. The building is around 50 metres to the rear of my neighbour's house (Norwood) and would not obscure any view that neighbouring dwellings have over my land, and due to the considerable distance away would not I feel harm the amenity of the adjoining dwellings. (Ref Policy DS1 North Lincolnshire Local Plan)

The design and construction of the building using wood cladding in the traditional space boarding design, is I feel not unpleasant to look at and would complement my existing agricultural buildings, which are wood and brick clad. The building would be used to house animal feeders and/or agricultural machinery. This would mean that I could move a lot of agricultural equipment and associated activities into this building. This would benefit both myself and my neighbours, in that a lot of farming activities would be moved away from the proximity of my house and neighbouring dwellings, and this would lessen any disturbance and noise.

The field to the rear of my property where the building is sited lies on a spring line. Siting the building further down the field is not possible due to the land being very wet and access/activities around the building would cause soil damage/erosion which is not allowed under the rules of cross-compliance for the agricultural scheme that the land is registered under.

The building is sited on the drier part of the land being close to my dwelling and access drive, means a smaller access road and hardstanding would be needed. To avoid most of the ^{poor} weather conditions which come from a south, south westerly direction the building is faced North and therefore neighbouring dwellings look only at the rear of the building. The building being close to my house is therefore more secure which is important when storing smaller yet expensive items of equipment.

I feel that I am improving and complementing my existing site and facilities, whilst at the same time helping to keep noise and disturbance to a minimum during my course of

H. GROUNDS OF APPEAL (continued)

agricultural work by adding this building. Siting the building to the south of my property is not possible due to the close proximity of other dwellings, and the storage of hay and straw would contravene fire regulations.

Please continue on a separate sheet if necessary.

**I. (part one) APPEAL SITE OWNERSHIP
DETAILS**

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies.

Please tick **ONE** box only ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A

A

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B

B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

OR

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

C/D

**I. (part two) AGRICULTURAL HOLDINGS
CERTIFICATE**

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b).

Please tick **ONE** box only ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding:

A

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below:

B ✓

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name

Address at which the notice was served

Date the notice was served (this must be within the last 21 days)

N/A

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the 6 month appeal period we will not accept your appeal.

You **must** send the documents listed 1-7 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

- | | | |
|----------|---|-----|
| 1 | A copy of the original planning application sent to the LPA. | 1 ✓ |
| 2 | A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA <u>at application stage</u> (these are usually part of the LPA's planning application form). | 2 ✓ |
| 3 | A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. | 3 ✓ |
| 4 | A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show <u>two named roads</u> so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. | 4 ✓ |
| 5 | Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; height: 20px; width: 100%;"></div> | 5 ✓ |
| 6 | Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; height: 20px; width: 100%;"></div> | 6 |
| 7 | A copy of the design and access statement sent to the LPA (if required). | 7 |

You **must** send copies of the following, if appropriate:

- | | | |
|-----------|--|-------------------|
| 8 | Additional plans, drawings or documents relating to the application but not previously seen by the LPA . Acceptance of these will be at the Inspector's discretion. Please number them clearly and list the numbers here or on a separate sheet:
<div style="border: 1px solid black; padding: 2px;">ILLUSTRATION OF PROPOSED BUILDING, (NO.5)</div> | 8 |
| 9 | Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. | 9 ✓ |
| 10 | If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission , please enclose:
a) the relevant outline application;
b) all plans sent at outline application stage;
c) the original outline planning permission. | 10a
10b
10c |
| 11 | If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition , we must have a copy of the <u>original permission</u> with the condition attached. | 11 |
| 12 | A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). | 12 |

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out.

- 1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge.
- 2 I have enclosed **all** the essential supporting documents listed in section J.
- 3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal).
- 4 I have signed and dated the form (unsigned forms will be returned to you).

Signature



Date 170709

Name
(in capitals)

WARWICK MAY

On behalf of
(if applicable)



The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information about our Data Protection policy can be found on our website under "Privacy Statement" and in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we RECEIVE your appeal form and ALL supporting documents within the 6 month time limit. See section M of the guidance leaflet

1 COPY to us at:

The Planning Inspectorate
Registry/Scanning Team
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Helpline: 0117 372 6372

1 COPY to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

1 COPY for you to keep

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

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Her Majesty's Stationery Office
St Clements House
2-6 Colegate
Norwich
NR3 1BQ

QUESTIONNAIRE (Online Version)

PLANNING, LISTED BUILDING CONSENT OR CONSERVATION AREA CONSENT

Appeal Ref:	APP/Y2003/A/09/2109070		
Appeal By:	Mr Warwick May		
Address	Mayfield House Farm Brigg Road, Wrawby BRIGG North Lincolnshire		
Postcode	DN20 8RH	Grid Reference: Easting	5016626 Northing 4085230

You must ensure that a copy of the completed questionnaire, together with any enclosures, is sent to us and the appellant, **within 2 weeks of the 'starting date'** given in our letter. **You must include details of the statutory development plan, even if you intend to rely more heavily on some other emerging plan.** Please send our copy to the case officer. Their address is shown on our letter.

If notification or consultation under an Act, Order or Departmental Circular would have been necessary before granting permission and has not yet taken place, please inform the appropriate bodies of the appeal now and ask for any comments to be sent direct to us within 6 weeks of the 'starting date'.

1 Despite our initial letter, do you consider that this appeal can be dealt with by the written representation procedure? YES NO

Do you wish to be heard by an Inspector at;

a local inquiry? or

a hearing ?

How long do you expect an inquiry would last? days

How many witnesses do you intend to call?

What are the preferred Inquiry/Hearing dates you have agreed with the appellant/agent?
(2 dates should be provided, or more if possible.)

Note: If the written procedure is agreed the Inspector will visit the site unaccompanied by either party unless the relevant part of the site cannot be seen from a road or other public land, or it is essential for the Inspector to enter the site to check measurements or other relevant facts.

2 a. If the written procedure is agreed, can the relevant part of the appeal site be seen from a road, public footpath, bridleway or other public land? YES NO

b. Is it essential for the Inspector to enter the site to assess the impact of the proposal? YES NO

Please explain:

The proposed site lies at the rear of a private garden which in essence is tucked away from view of the main road, therefore it is essential to enter the site to ascertain its impact

- 2 c. Are there any known health and safety issues that would affect the conduct of the site inspection? YES NO

- 3 Please provide the name, telephone number and e-mail address of the officer we can contact to make arrangements for the site visit, hearing or inquiry.

Name Phone
Email

- 4 Does the appeal relate to an application for approval of reserved matters? YES NO

- 5 Was a GDPO 1995 Article 7 (Regulation 6 for listed building or conservation area consent) certificate submitted with the application? YES NO

- 6 Did you give publicity to the application in accordance with either Article 8 of the GDPO 1995, Section 67/73 of the Planning (Listed Buildings & Conservation Areas) act 1990 or Regulation 5 of the Planning (Listed Buildings & Conservation Areas) Regulations 1990? YES NO
 Document provided

- 7 Is the appeal site within;

a. A Green Belt? YES NO

b. An Area of Outstanding Natural Beauty? YES NO

- 8 Is there a known surface or underground mineral interest at or within 400 metres of the appeal site which is likely to be a material consideration in determining the appeal? YES NO
 Document provided

- 9 a. Are there any other appeals or matters relating to the same site still being considered by us or the Secretary of State? YES NO

Please give our reference numbers and if necessary attach details:

Document provided

- b. Are there any other appeals or matters relating adjacent or close to the site still being considered by us or the Secretary of State? YES NO

Please give our reference numbers and if necessary attach details:

Document provided

- 10 Would the development require the stopping up or diverting of a public right of way? YES NO

Please provide an extract from the Definitive Map and Statement for the area, and any other details.

Document provided

- 11 a. Is the site in a Conservation Area? YES NO

Please attach a plan of the Conservation Area

Document provided

- b. Does the appeal relate to an application for conservation area consent? YES NO

- 12 a. Does the proposed development involve the demolition, alteration or extension of a listed building? YES NO
 Date of listing: I II* II
- b. Would the proposed development affect the setting of a listed building? YES NO
Please attach a copy of the relevant listing description from the List of Buildings of Special Architectural or Historical Interest. Document provided
- 13 Has a grant been made under s3A or s4 of the Historic Buildings and Ancient Monuments Act 1953? YES NO
- 14 a. Would the proposals affect an Ancient Monument (whether scheduled or not)? YES NO
 b. Was English Heritage consulted? YES NO
Please send a copy of any comments. Document provided
- 15 Is any part of the site subject to a Tree Preservation Order? YES NO
Please send a plan showing the extent of the Order and any relevant details. Document provided
- 16 Have you made a Local Development Order under s61A to 61C of the Town and Country Planning Act 1990 (as inserted by s40 of the Planning and Compulsory Purchase Act 2004) relating to the application site? YES NO
Please attach a copy of the relevant order. Document provided
- 17 Does the appeal involve persons claiming Gypsy/Traveller status, whether or not this is accepted by the planning authority? YES NO
- 18 a. Is the appeal site in or adjacent to or likely to affect an SSSI or an Internationally designated site (ie. cSAC, SAC, pSPA, SPA Ramsar)? YES NO
Please attach the comments of Natural England Document provided
- b. Are any protected species likely to be affected by the proposals? YES NO
Please attach details. Document provided

19 Environmental Impact Assessment

Environmental Statement (ES)

Schedule 1

a. (i) Is the proposed development Schedule 1 development as described in Schedule 1 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

(ii) Under which description of development? (ie Nos 1-20)

Schedule 2

b. (i) Is the proposed development Schedule 2 development as described in Column 1, Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

(ii) Under which description of development in Column 1? (ie Nos 1-13)

(iii) Is the applicable threshold/criteria in Column 2 exceeded/met?

YES NO

c. Is the development within or partly within a 'sensitive area' as defined by Regulation 2 of The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999?

YES NO

Document provided

Please provide details in the box below:

Screening

d. (i) Have you issued a screening opinion (SO)?

YES NO

Please attach a copy of the SO that was placed on the planning register, and any other related correspondence.

Document provided

(ii) Did the SO state that the proposed development is EIA development as defined by the EIA Regulations?

YES NO

If you decided that the proposed development is not EIA development as defined by EIA Regulations, please attach brief descriptions for your opinion.

Document provided

Environmental Statement (ES)

e. Has the appellant supplied an environmental statement?

YES NO

Please supply any related correspondence from statutory consultees and others that you may have had about the adequacy of the environmental information contained in the ES, having regard to The Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999 and Circular 2/99.

Document provided

Publicity

f. If applicable, please supply a copy of the site notice and local advertisement published under Article 8 of the GDPO 1995, as required for EIA development.

Document provided

20 Have all the notifications or consultations under any Act, Order or Departmental Circular, necessary before granting permission, taken place?

YES NO

Please attach copies of any comments that you received in response.

Document provided

21 Copies of the following documents must, if appropriate, be attached to this questionnaire;

Tick the 'Applies' checkbox to the right of each applicable document, then select whether you intend to send it by post or attach it now.

a. a copy of the letter with which you notified people about the appeal; Applies

b. a list of the people you notified and the deadline you have for their comments to be sent to us; Applies

Deadline:

c. all representations received from interested parties about the original application; Applies

d. the planning officer's report to committee or delegated report on the application and any other relevant documents/minutes; Applies

e. any representations received as a result of a GDPO 1995 Article 7 (or Regulation 6) notice; Applies

f. extracts from any relevant statutory development plan policies (even if you intend to rely more heavily on the emerging plan) You must include the front page, the title and date of the approval/adoption, please give the status of the plan. Copies of the policies should include the relevant supporting text. You must provide this even if the appeal is against non-determination; Applies

List of Policies:

g. extracts of any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, that you consider necessary. Please attach a copy of the Direction and a copy of the letter from the Government Office which accompanied the Direction. Applies

List of Policies:

h. extracts from any supplementary planning guidance, that you consider necessary, together with its status, whether it was the subject of public consultation and consequent modification, whether it was formally adopted and if so, when; Applies

i. extracts from any supplementary planning document, that you consider necessary, together with the date of its adoption. In the case of emerging documents, please state what stage they have reached; Applies

j. a comprehensive list of conditions which you consider should be imposed if planning permission is granted. You need not attach this to the other questionnaire papers, but it should reach us within 6 weeks of the starting date. The list must be submitted separately from your appeal statement; Applies

k. any other relevant information or correspondence you consider we should know about; Applies

22 For appeals dealt with by written representations only.

Do you intend to send a 6 week statement about this appeal?

YES NO

- a. the relevant planning history, including a full list of the plans submitted with the application; Applies
- b. any supplementary reasons for the decision on the application or what the decision notice would have said; Applies
- c. matters which you want the Inspector to note at the site visit; Applies
- d. how the relevant development plan policies relate to the issues of this appeal; Applies

23 For the Mayor of London cases only

- a. Was it necessary to notify the Mayor of London about the application?
Please attach a copy of that notification YES NO
 Document provided
- b. Did the Mayor of London issue a direction to refuse planning permission?
Please attach a copy of that notification YES NO
 Document provided

Council's Reference:

I certify that a copy of this appeal questionnaire and any enclosures will be sent to the appellant or agent today.

Completed by (name)

On behalf of

STATEMENT

Do you wish to attach your statement of case?

YES NO

Document provided

Appeal Ref:	APP/Y2003/A/09/2109070
Appeal by:	Mr Warwick May
Site Address:	Mayfield House Farm Brigg Road, Wrawby BRIGG North Lincolnshire DN20 8RH

The following documents should be sent to us within 2 weeks of the 'starting date' (unless otherwise specified)

Description	No. Sent
<p>***** * The Documents Listed Below Were Uploaded With The Questionnaire Form * *****</p> <p>TITLE: 20. Has all notifications or consultations taken place? DESCRIPTION: Highways FILENAME: 2009.0040- consultation response-Highways.pdf</p> <p>TITLE: 20. Has all notifications or consultations taken place? DESCRIPTION: Parish Council FILENAME: 2009.0040 - consultation response- Parish Council.pdf</p> <p>TITLE: 21a. A copy of the letter with which you notified people about the appeal DESCRIPTION: Letter sent to Neighbours FILENAME: Letter sent to neighbours (GM).DOC</p> <p>TITLE: 21b. A list of the people you notified and the deadline you gave for their comments DESCRIPTION: List of Persons Notified FILENAME: List of persons notified (GM).DOC</p> <p>TITLE: 21c. All representations received from interested parties. DESCRIPTION: Letter of Comment FILENAME: 2009.0040 - letter of comment (private) (1).pdf</p> <p>TITLE: 21c. All representations received from interested parties. DESCRIPTION: Letter of Comment FILENAME: 2009-0040 -letter of comment (2).pdf</p> <p>TITLE: 21g. Extracts from any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 DESCRIPTION: Policy DS1 FILENAME: 2009-0040 - Polcy DS1.pdf</p> <p>TITLE: 21g. Extracts from any relevant policies which have been 'saved' by way of a Direction under paragraph 1(3) of Schedule 8 DESCRIPTION: Saved Policies Letter FILENAME: SAVED POLICIES - Direction Letter etc.pdf</p>	

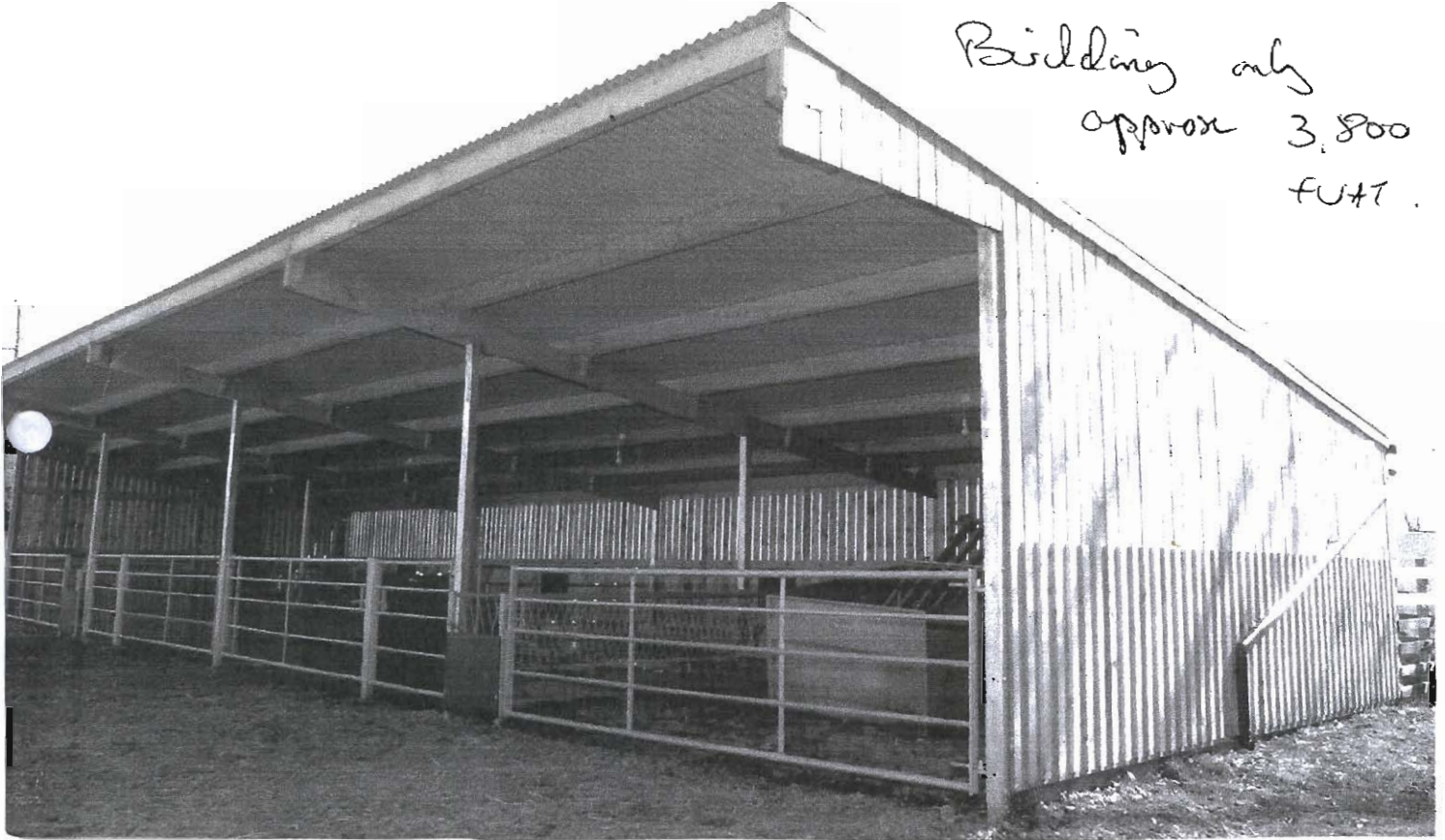
Completed By	Graeme Moore	Date	29 July 2009
LPA	North Lincolnshire Council		

PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US.



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The Planning Inspectorate

Room: 3/18a
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Fax No: 0117-372-8181
GTN: 1371-6252

teamp7@pins.gsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: pa/2009/0040
Our Ref: APP/Y2003/A/09/2109070/NWF
Date: 8 September 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by Mr Warwick May
Site at Mayfield House Farm, Brigg Road, Wrawby, Brigg, DN20 8RH



I enclose third party correspondence relating to the above appeal.

If you have any comments on the points raised, please send 2 copies to me no later than **25 September 2009**. You should comment solely on the representations enclosed with this letter.

You cannot introduce new material or put forward arguments that should have been included in your earlier statement. If you do, your comments will not be accepted and will be returned to you.

Using e-mail and the internet

You can now use the internet to send us documents and check the information and the progress of this case at (www.planningportal.gov.uk/pes). If you send us your comments by e-mail, you only need to send us one copy of each. However, if you post your comments, please send us 2 copies of everything and put the full appeal reference number on each copy.

Comments submitted after the 9-week deadline will not be seen by the Inspector unless there are extraordinary circumstances for the late submission.

Yours sincerely





The Planning Inspectorate

Room: 3/18a
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<http://www.planning-inspectorate.gov.uk>

Mason Baggott and Garton
Solicitors
25 Bigby Street
BRIGG
DN20 8ED

Your Ref: RM/TAW/NEW0282/1
Our Ref: APP/Y2003/A/09/2109070/NWF
Date: 8 September 2009

Dear Sir/Madam

Town and Country Planning Act 1990
Appeal by Mr Warwick May
Site at Mayfield House Farm, Brigg Road, Wrawby, Brigg, DN20 8RH

Thank you for your letter of 2 September enclosing copies of your letter of 29 January to the Council, which contains a request for the Inspector to look at the appeal site from your client's property.

I will make sure that the Inspector sees your client's request. However, it is for the Inspector to decide whether to accept your invitation. If it is accepted, the local planning authority (LPA) and the appellant or their representative will also have to be present throughout the visit.

The purpose of the site visit is to allow the Inspector to see the site before deciding the appeal. The Inspector can be asked to note particular physical features of the site or of the proposed development itself, but will not be able to discuss the merits of the case with anyone during the visit. We will send you details of the site visit as soon as they are made.



In the meantime I am sending a copy of your letter/ enclosures and this reply to the appellant and the LPA.

Yours faithfully

A handwritten signature is present, but it has been completely redacted with a thick black horizontal bar.

pp Rose Holland

105(BPR)

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp> You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

Mason Baggott & Garton

Solicitors

25 Bigby Street, Brigg DN20 8ED

Tel: (01652) 654111 Fax: (01652) 658188 DX: 24352 - BRIGG

Web site: www.lawlincs.co.uk Email: brigg@lawlincs.co.uk

Partners

Sir John Mason C.B.E., DL

Rex Garton

Steven C. Baggott LL.B.

Emma J. Johns LL.B. (Hons)

Richard Mason LL.B. (Hons)

Sarah Regan LL.B. (Hons)

Your reference APP/Y2003/A/09/2109070/NWF Please ask for Mr Richard Mason

Our reference RM/TAW/NEW0282/1 Date 2nd September 2009

Direct E-mail : richardmason@lawlincs.co.uk

Planning Inspectorate
Room 3/18a
Temple Quay House
2 The Square
Temple Quay
Bristol
BS1 6PN

Dear Sirs

Re: Proposal – Application for determination of the requirement for prior approval for an agricultural building for storage

Site Location – Mayfield House Farm Brigg Road Wrawby

Appellant – Mr Warwick May

Inspectorate's Reference – APP/Y2003/A/09/2109070/NWF

Our Clients – John Stanley Newbert and Angela Jaon Newbert

Also at

13/19 Wells Street,
Scunthorpe, North
Lincolnshire DN15 6HN
Tel: (01724) 868611
Fax: (01724) 280433
DX: 14707 SCUNTHORPE

We are instructed by the above named who objected to the original application by the Appellant.

We enclose a copy of our original letter dated 29th January 2009 objecting to the application. Our Clients' concerns remain as set out in that letter.

We confirm that our Clients would like the Inspector to see the appeal site from their property which is "Norwood" Brigg Road Wrawby North Lincolnshire DN20 8RH.

Please acknowledge receipt of this letter.

Please provide us with a copy of the decision letter.

Yours faithfully

MBG

MASON BAGGOTT & GARTON

1 Market Place
Epworth via Doncaster
DN9 1EU
Tel: (01427) 872661
Fax: (01427) 874257
DX: 18782 EPWORTH

South Street
Winterton
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LAWYERS

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Legal Service



SRU 88566

Mr Richard Mason

RM/TAW/NEW0282/1

29 January 2009

Direct E-mail : richardmason@lawlincs.co.uk

FAO Graeme Moore
North Lincolnshire Borough Council
Neighbourhood and Environmental Services
PO BOX 42
Church Square House
Scunthorpe
North Lincolnshire
DN15 6XQ

Sent by Recorded Delivery

Dear Sirs

Re: Applicant ~ Mr Warwick May
Site Location ~ Mayfield House Farm, Brigg Road, Wrawby
Proposal ~ Application for determination of the requirement for prior approval for
an agricultural building for storage
Application Number: PA/2009/0040

We act for Mr J S Newbert and Mrs A J Newbert of "Norwood" Brigg Road, Wrawby, North Lincolnshire, DN20 8RH.

Our clients' property immediately adjoins the house and land belonging to the applicant. Our clients have handed to us a copy of your letter dated 20th January 2009.

Our clients have the following objections to the proposed siting of the building:-

1. The building immediately abuts our clients' property; and
2. The building will obscure our clients' views over open countryside; and
3. The proposed height of the building of 14.5 metres is excessive; and
4. The building will cause loss of light to our clients garden and that of the neighbours' garden ; and
5. There is ample space the rear of the applicants existing buildings which is not in the direct sight-line from our clients' property; and
6. The proposed building is open-plan at the front. Our clients are extremely concerned that the applicant's sheep and livestock will use it for shelter and this will cause additional noise for our clients in their house and garden; and
7. Our clients are concerned that there is no obvious sign of the drain or a replacement as shown on the plan submitted by the applicant.

While our clients have no objection in principle to the applicant erecting a building in an appropriate position on his own land they do have the following concerns in relation to its proposed use:-

1. The applicant is already operating a business from his property by selling hay, straw and rabbits. Our clients feel that the new building may be used to expand the existing business use into the sale of animal food stuff; and
2. In view of the above, there is an increase prospect of vermin infestation; and
3. This will also lead to an increase in traffic. This impacts upon our client personally and the public at large. With increased business use, there will be more traffic entering the applicant's land which will obviously increase traffic noise to our clients' property. In addition, access and egress to the applicant's property is on a dangerous bend and is not suitable for use by the general public.

Our clients have asked to point out that the location plan included within the applicant's application shows a construction which is marked as "existing livestock handling pen". This pen was erected on 27th January 2009 and was not in existence at the time of the application.

The Council will be aware that Mr and Mrs Newbert have been obliged to complain to the Authority in the past in relation to dog noise emanating from the applicant's land. These complaints were upheld by North Lincolnshire Council but notwithstanding this there has been transgressions which have required further action from North Lincolnshire Council officers. Although this is unrelated to this application, Mr and Mrs Newbert are keen to ensure that no development is carried on by the applicant which will increase the levels of nuisance they have suffered in the past.

Yours faithfully

MASON BAGGOTT & GARTON

INSPECTORS Ref APP/42003/A/09/2109670/NJF

GRAMHAM JACHLIN

'ARLSON'

BRIER ROAD

WRAYBY

DN20 8RY

NORTH Lincs

APPLICATION NO
PA / 2009 / 0040

13-8-09

(PLEASE SEND A DESIGN LETTER TO ME)

I have the following points to make about the proposed Agricultural Building at Mayfield house farm.

I strongly oppose the planning on the following grounds.

Loss of view over rear of Gardens.

Loss of Privacy

Excessive Pollution from Vehicles entering

& Leaving Site.

Attract Vermin.

De Value of Properties.

Yours Faithfully

~~John [redacted]~~



Application Number: PA/2009/0040
(please quote in all correspondence)

Case Officer: Graeme Moore
Tel 01724 297505
Email: planning@northlincs.gov.uk

28 July 2009

Name
Address

Dear Sir/Madam

TOWN & COUNTRY PLANNING ACT 1990

Proposal: Application for determination of the requirement for prior approval for an agricultural building for storage

Site Location: Mayfield House Farm, Brigg Road, Wrawby

Appellant: Mr Warwick May

Inspectorate's Reference: APP/Y2003/A/09/2109070/NWF

Appeal Start Date: 24/07/2009

I am writing to let you know that an appeal has been made to the Planning Inspectorate in respect of the above site. The appeal is to be decided on the basis of an exchange of written statements by the parties and a site visit by an Inspector. It follows the refusal of planning permission by this Council.

The arguments put forward in support of the appeal and the reasons for the Council's decision may be inspected in this office, preferably by prior appointment. Any comments already made following the original application for planning permission (unless they are expressly confidential) will be forwarded to the Inspectorate and copied to the appellant, and will be taken into account by the Inspector deciding the appeal.

If you wish to make any representations on this appeal or withdraw or modify your earlier comments in any way you should write direct (sending three copies) to The Planning Inspectorate, Room 3/18a, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN not later than six weeks from the appeal starting date stated above, quoting the Inspectorate's reference number. If representations are not made within this period there is a risk that they may not be considered.

Site Visit - If the Inspector can see enough of the site from the road or public view, he will visit the site alone. If that is not possible, the appellant and the Local Planning Authority's representative will go with the Inspector. There is normally no need for other people to take part in the site visit. However, if you own a property nearby and you want the Inspector to see the appeal site from your property, **you should tell them when you write**. They will then inform you of the date and time of the visit. You will not be able to discuss the case, but you can point out the relevant facts and features.

Decision Letter - The Inspectorate will not acknowledge your letter unless you specifically ask them to do so. They will, however, ensure that your letter is passed on to the Inspector dealing with the appeal. The Inspectorate will send a copy of the decision letter to you, **provided you specifically ask for one**. If you are not the owner of the premises you occupy, please try to bring the contents of this letter to the attention of the owner.

Sending your comments to the Planning Inspector - The Planning Inspectorate have introduced an online appeals service which you can use to comment on this appeal. You can find the service through the Appeals area of the Planning Portal – see www.planningportal.gov.uk/pcs. The Inspectorate may publish details of your comments on the internet (on the Appeals area of the Planning Portal). Your comments may include your name, address, email address or phone number, Please ensure that you only provide information, including personal information belonging to you that you are happy will be made available to others in this way. If you supply information belonging to a third party please ensure you have their permission to do so. More detailed information about data protection and privacy matters is available on the Planning Portal.

The Planning Inspectorate has also published an explanatory booklet 'A Guide to Taking Part in Planning Appeals' which describes the possible involvement third parties may have in planning appeals. If you would like a free copy please telephone or write to this office to request one or you can download a copy from the Planning Inspectorate's web site at www.planning-inspectorate.gov.uk

Yours faithfully

Mike Welton

Head of Planning

cc

- Cllr Mr JC Berry, Conservative Group Office, Pittwood House, Ashby Road, Scunthorpe. DN16 1AB
- Cllr Mr CG Sherwood, Conservative Group Office, Pittwood House, Ashby Road, Scunthorpe. DN16 1AB
- Cllr Mr NJ Sherwood, Conservative Group Office, Pittwood House, Ashby Road, Scunthorpe. DN16 1AB
- Cllr Mr J Collinson, Chair of the Planning Committee, Labour Group Office, Pittwood House, Ashby Road, Scunthorpe. DN16 1AB
- Cllr Mr D Whiteley, Vice Chair of the Planning Committee, Labour Group Office, Pittwood House, Ashby Road, Scunthorpe. DN16 1AB
- Scunthorpe Telegraph, 4/5 Park Square, Laneham Street, Scunthorpe. DN15 7JH
- Mr GD Foster, Clerk, Wrawby Parish Council, York House, Tunnel Road, Wrawby, Brigg. DN320 8SF
- Land Charges Section, Pittwood House, Ashby Road, Scunthorpe. DN16 1AB

Copies for information sent to:

Cllr Mr JC Berry
Conservative Group Office
Pittwood House
Ashby Road
SCUNTHORPE
DN16 1AB

Cllr Mr CG Sherwood
Conservative Group Office
Pittwood House
Ashby Road
SCUNTHORPE
DN16 1AB

Cllr Mr NJ Sherwood
Conservative Group Office
Pittwood House
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DN16 1AB

Cllr Mr J Collinson
Chair of the Planning Committee
Labour Group Office
Pittwood House
Ashby Road
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DN16 1AB

Cllr Mr D Whiteley
Vice Chair of the Planning Committee
Labour Group Office
Pittwood House
Ashby Road
SCUNTHORPE
DN16 1AB

Scunthorpe Telegraph
4/5 Park Square
Laneham Street
SCUNTHORPE
DN15 7JH

Mr GD Foster
Clerk
Wrawby Parish Council
York House
Tunnel Road
Wrawby
BRIGG
DN20 8SF

Land Charges Section
Pittwood House
Ashby Road
SCUNTHORPE
DN16 1AB

Letter sent to:

Owner/Occupier
Elsham House
Brigg Road
Wrawby
BRIGG
DN20 8RH

Owner/Occupier
Hill Rise
Brigg Road
Wrawby
BRIGG
DN20 8RH

Owner/Occupier
Ingleby
Brigg Road
Wrawby
BRIGG
DN20 8RH

Owner/Occupier
Norwood
Brigg Road
Wrawby
BRIGG
DN20 8RH

Owner/Occupier
Orchard Rise
Brigg Road
Wrawby
BRIGG
DN20 8RH

Owner/Occupier
Twisted Willow
Brigg Road,
Wrawby
BRIGG
DN20 8RH

Owner/Occupier
Workshop
Brigg Road
Wrawby
BRIGG
DN20 8RH

Mr G Jacklin
Arison
Brigg Road
Wrawby
BRIGG
DN20 8RH

Mason Baggott & Garton
Solicitors
25 Bigby Street
BRIGG
DN20 8ED

NORTH LINCOLNSHIRE COUNCIL

Town and Country Planning Act 1990

APPEAL BY MR E COURT

**AGAINST THE REFUSAL BY NORTH LINCOLNSHIRE COUNCIL TO GRANT
PRIOR APPROVAL FOR AN AGRICULTURAL BUILDING FOR STORAGE**

AT MAYFIELD HOUSE FARM, BRIGG ROAD, WRAWBY

Local Planning Authority's Reference: PA/2009/0040

Planning Inspectorate's Reference: APP/Y2003/A/09/2109070/NWF

September 2009

1. INTRODUCTION

1.1 This appeal is made in relation to an application for the determination of the requirement for prior approval refused by North Lincolnshire Council proposing an agricultural building for storage, prior approval was refused on the grounds that:

1.2 "The proposed agricultural building would adversely harm the amenity of the adjoining residential dwellings private amenity space by virtue of its design and siting. There the proposal is considered contrary to policy DS1 of the North Lincolnshire Local Plan"

2. APPEAL SITE

2.1 The site comprises of a number of agricultural buildings and Mayfield House located behind the existing building line of Brigg Road. The adjoining properties are residential .

3. CONSULTATIONS

3.1 All consultations received by the Council were sent with the questionnaire.

4. PLANNING POLICY

4.1 The Local Plan policies that are relevant to the appeal have been sent with the questionnaire.

5. COUNCIL'S STATEMENT OF CASE

5.1 The relevant policies have been presented within the questionnaire and the local planning authority considers that these policies secure the proper planning of the area. It is considered that these policies are the main material planning consideration in the determination of the planning application. The proposal is contrary to these policies:

5.2 Policy DS1 (General Requirements) requires a high standard of design in all developments and poorly designed developments will be refused. The following criteria will be used to assess each proposal: the design and external appearance should reflect or enhance the character, appearance, and setting of the immediate area; the design and layout should respect and, where possible, retain or enhance the existing landform; no unacceptable loss of amenity to neighbouring land uses should result in terms of noise, smell, fumes, dust or other nuisance, including overlooking or overshadowing; amenity open space should be retained where possible; no pollution of water, air or land should result.

5.3 The council contends that the proposed siting of the barn at the rear of boundary of the property known as Norwood would have a significant and detrimental impact on the private amenity space of the said dwelling. The height and width of the building would mean that it would run the entire width of the garden and be dominant feature at the rear of the garden which in turn would harm the amenity that the residents current enjoy. Furthermore it is considered that the proximity of the building would mean that should any machinery etc. be stored in the building then there could be the potential for noise disturbance.

6. COMMENTS ON APPELLANTS CASE

6.1 It is noted that the appellant has not provided a formal statement, however contained within the appeal forms is their reasoning for positioning the building in its proposed location. The argument appears to hinge on the fact that the site of the proposed building is the most convenient for the owners and fails to take into account the impact on the adjacent neighbouring properties.

6.2 The council contends that prior to the submission of this appeal an officer of the local planning authority met the appellants on site to discuss various options, one of which was to locate the building to the

north of Mayfield House, albeit located so that it would be less affected by the elements. There was also another suggestion in that the existing barn that is in situ be demolished and a new more substantial barn erected in its place, whilst this would need planning permission in itself, the LPA consider that this proposal is more amenable than the one to which this appeal relates to.

7. CONCLUSION

7.1 In conclusion to this statement, the council would like to re-iterate that the proposal clearly does not comply with policy DS1 of the North Lincolnshire Local Plan in that:

- The proposed agricultural building would adversely harm the amenity of the adjoining residential dwellings private amenity space by virtue of its design and siting.

7.2 Therefore the council respectfully requests that the appeal be dismissed.



The Planning Inspectorate

Room: 3/18a
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Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: pa/2009/0040
Our Ref: APP/Y2003/A/09/2109070/NWF
Date: 29 September 2009

Dear Mrs Morton

**Town and Country Planning Act 1990
Appeal by Mr Warwick May
Site at Mayfield House Farm, Brigg Road, Wrawby, Brigg, DN20 8RH**

I enclose for your information a copy of the appellant's final comments on the above appeal. Normally, no further comments, from any party, will now be taken into consideration.

Yours sincerely


Rose Holland

217L(BPR)

You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -
<http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button



Mayfield House Farm,
Brigg Road,
WRAWBY,
Nr. Brigg,
N. Lincolnshire.
DN20 8RH

The Planning Inspectorate,
Room 3/18a,
Temple Quay House,
2 The Square
Temple Quay,
Bristol.
BS1 6PN

Your Ref. APP/Y2003/A/09/2109070/NWF

Date 21st September, 2009

Dear Rose Holland,

Town and Country Planning Act 1990
Appeal by Mr. Warwick May.
Site at Mayfield House Farm, Brigg Road, Wrawby, Brigg DN20 8RH
Statement and Third Party Representations.

I wish to respond to the above.

Comments from Lynda Morton, North Lincolnshire Council.

Statement No.

5.3 In response to this statement, I would like to say I specifically asked the Planning Officer to give me an explanation of the term 'private amenity space' as this seems to be used as a key point for refusal. In her reply she referred to the open space and view that the residents enjoy. However she then clarified when questioned to me that and I quote 'Nobody owns a view!' Therefore I fail to see how resident's amenity is harmed; no part of the building protrudes onto their properties. In reply to statement concerning noise, one of the alternative sites suggested by the Planning Officer was to the south of my house, and to build the shed upon the site of an existing barn, this location is close to three neighbouring dwellings and therefore create more noise disturbance, the very reason that is stated for refusal to build it on my proposed site.

6.1 For reference I thought I had provided a formal Statement.

The siting of the building under my proposals is obviously convenient for myself but also moves activities and noise away from my neighbours houses and I feel is obviously beneficial to them. I fail to understand why North Lincolnshire Council doesn't see this.

DEVELOPMENT CONTROL SECTION
- 7 OCT 2009
DATE RECEIVED
Referred To

- 6.2 To demolish the existing barn (South of my House) and build this shed in its place is impractical because,
- a) The barn is used and therefore has a purpose, the new shed is meant as an addition and not a substitution.
 - b) Due to fire regulations regarding the proximity of dwellings I would be unable to keep hay and straw in the shed which is one of its intended uses.

Please note for your reference I notice this North Lincolnshire document states the appeal is by Mr. E. Court? I am of course Mr. W.M. May and hopefully this is the name you have on your correspondence.

Ref. Comments from Graham Jacklin

In response to this statement:

The building is not to be erected to the rear of his property, and would not block his view of the surrounding farmland.

The building is enclosed on the three sides facing adjoining properties and therefore causes no loss of privacy to neighbours. The site has no change of use and vehicular movements/numbers would remain as now.

Active vermin control is in place at the moment as this building and existing building would be and are close to my own house.

Ref. Comments from Mason, Baggott and Garton representing Mr. J.S. Newbert and Mrs. A. J. Newbert.

Statement.

3. The proposed height of the building at its highest point is in fact four meters maximum as indicated clearly on the plans. The Newberts would be able to enjoy views over open farmland, and they do not own a view over my field.
4. As the sun rises in the EAST and sets in the WEST it should be noted from the plans that this building will not cause loss of light to their garden.
5. My existing buildings are close to a neighbouring dwelling called Elsham House which is in fact being extended and there is certainly no room to the rear of my existing buildings.
6. The building would have some sort of gate arrangement on it if required to prevent livestock entering it. Sheep already graze the field and create no noise.
7. The drain indicated on the plan is a 'French drain' i.e. gravel/gravel over a porous pipe and therefore cannot be physically seen by an onlooker. It is similar in function to a soak away, however this drain runs into a ditch which in turn runs into a stream at the bottom of my field.

Reference further comments listed 1 to 3 (2nd page of Document).

1. The site is in agricultural use and no change of use has occurred, or has been applied for. I make a lot of hay and straw for feeding livestock, most of which is kept off site. A small amount is kept on site and some is sold to Horse Owners. Most of this hay is delivered by me on my way out to other farming business. Therefore there are very few vehicular movements in and out of the property as a consequence of hay and straw sales. The sale of Rabbits was something done by my children and does not constitute a business.

2. The site is accessed by cars and farming machinery and during the planning process for my house; the highways department deemed the entrance to be satisfactory therefore access and egress to this property is suitable for use and not dangerous.

3. The existing livestock handling pen shown on the plan was infact erected in summer 2006 and was used in one instance for veterinary visits in October 2006 for which I have documentation. I feel some of the further comments made by Mr. and Mrs. Newbert are irrelevant to this appeal. I will however state for the record that no noise complaints have been upheld against me and North Lincolnshire Neighbourhood Services can clarify this.

Yours faithfully,



Mr. Warwick M. May



The Planning Inspectorate

Room: 3/23
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Direct Line: 0117-372-6102
Switchboard: 0117-372-8000
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heather.langridge@pins.qsi.gov.uk
<http://www.planning-inspectorate.gov.uk>

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: pa/2009/0040
Our Ref: APP/Y2003/A/09/2109070/NWF
Date: 11 November 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by Mr Warwick May
Site at Mayfield House Farm, Brigg Road, Wrawby, Brigg, DN20 8RH

I am writing to inform you that the Inspector appointed by the Secretary of State to determine the above appeal is

K L Baker DIPTP MA DIPMP MRTPI

The Inspector will visit the appeal site at 12.00 on 26 November 2009. It is important that you make immediate arrangements for the Inspector to be met at the site to enable the inspection to be made. If you cannot attend, you should arrange for someone else to attend in your place. **If this is not possible, you must let me know immediately.**

The Inspector will expect to be accompanied by representatives of both parties. If one of the parties fails to arrive, the Inspector will determine the most suitable course of action, which could mean that she will conduct the visit unaccompanied. In other circumstances, the visit might have to be aborted.

At the commencement of the site inspection the Inspector will make it clear that the purpose of the visit is not to discuss the merits of the appeal or to listen to arguments from any of the parties.

The Inspector will ask the parties to draw attention to any physical features on the site and in its vicinity. In turn the Inspector may wish to confirm particular features referred to by interested parties in their written representations.

In general, decision letters are issued within 5 weeks of the date of the Inspector's site visit, although we cannot be precise about individual cases. If despatch of the letter is likely to be significantly delayed, we will let you know.



Yours sincerely

Heather Langridge

NB: All further correspondence should be addressed to the case officer mentioned in the initial letter.

209D

*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - <http://www.pcs.planningportal.gov.uk/pcsportal/casearch.asp>
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*



The Planning Inspectorate

Quality Assurance Unit
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Direct Line: 0117-372-8252
Switchboard: 0117-372-8000

<http://www.planning-inspectorate.gov.uk>

Mrs L Morton
North Lincolnshire Council
Development Control
Planning Dept
P O Box 42, Church Square House
Scunthorpe
N Lincs
DN15 6XQ

Your Ref: pa/2009/0040
Our Ref: APP/Y2003/A/09/2109070/NWF
Date: 7 December 2009

Dear Mrs Morton

Town and Country Planning Act 1990
Appeal by Mr Warwick May
Site at Mayfield House Farm, Brigg Road, Wrawby, Brigg, DN20 8RH

I enclose a copy of our Inspector's decision on the above appeal.

If you have queries or complaints about the decision or the way we handled the appeal, you should submit them using our "Feedback" webpage at www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm. This page also contains information on our complaints procedures and the right of challenge to the High Court, the only method by which the decision can be reconsidered.

If you do not have internet access, or would prefer hard copies of our information on the right to challenge and our complaints procedure, please contact our Quality Assurance Unit on 0117 372 8252 or in writing to the address above.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 0207 947 6655.

Yours sincerely

Jacky Parsons

COVERDL1





Appeal Decision

Site visit made on 26 November 2009

by **Karen Baker** DipTP MA DipMP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
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Decision date:
7 December 2009

Appeal Ref: APP/Y2003/A/09/2109070

**Mayfield House Farm, Brigg Road, Wrawby, Brigg, North Lincolnshire
DN20 8RH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Warwick May against the decision of North Lincolnshire Council.
 - The application Ref. PA/2009/0040, dated 19 January 2009, was refused by notice dated 13 February 2009.
 - The development proposed is an agricultural building for storage.
-

Procedural Matters

1. This appeal relates to an agricultural prior notification submission under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), for prior approval of the siting, design and external appearance of a proposed new agricultural building and its relationship to its surroundings.

Decision

2. I dismiss the appeal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located adjacent to the built up area of Wrawby, on the northern side of Brigg Road. The access to the appeal site, including the appellant's dwelling, is located to the east of Norwood, a detached 2 storey dwelling. The remainder of the appeal site is sited to the rear (north) of a row of 5 residential properties, which front onto Brigg Road and benefit from long rear gardens. The proposed building would be around 18.3m x 7.6m x 3m high at the rear (rising to around 4m high at the front). It would be sited around 4m from the northern boundary of Norwood and would extend along much of its length. A hedge around 1.5m high exists along the boundary between Norwood and the appeal site.
 5. The proposed building is required for the storage of agricultural machinery and animal foodstuffs and I note the appellant's view that this would enable agricultural equipment and associated activities to be moved into this building, further away from his and the neighbouring dwellings, which would lessen any
-

noise and disturbance. I also acknowledge the difficulties in siting the proposed building further to the north, given the wetter nature of that land, and to the south of the appellant's dwelling, due to the close proximity of other dwellings and the fire regulations relating to the storage of hay and straw.

6. Several local residents, including the occupiers of Norwood, and the Council are concerned that the proposed building would be detrimental to the visual amenities of these occupiers. The proposed building would be sited to the north and west of the existing farmhouse and other farm buildings, and would substantially extend the built up area of the appeal site, on land that is currently predominantly open. Indeed, it would further enclose the rear garden of Norwood. Although the materials proposed would reflect those used in other agricultural buildings nearby, given its scale, mass and height, along with its close proximity to the northern boundary of Norwood, when viewed from within the rear garden of this dwelling, the proposed building would appear visually obtrusive and prominent in the landscape, despite the existing boundary hedge, to the detriment of the character and appearance of the area.
7. I conclude, therefore, that the proposed development would harm the character and appearance of the area. As such, it would be contrary to Policy DS1 of the North Lincolnshire Local Plan¹, adopted in May 2003.
8. I have considered all the other matters raised, including the security benefits of the siting of the proposed building, but none changes my overall conclusion that the appeal should be dismissed.

Karen Baker

INSPECTOR

¹ The Local Plan policy to which I refer in this decision has been saved by a Direction, under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004, of the Secretary of State for Communities and Local Government, dated 17 September 2007