

Ms Leanne Pogson Wray
North Lincolnshire Council
Civic Centre
Ashby Road
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DN16 1AB



12th May 2018

Dear Leanne

PA/2018/440 - Planning permission for the demolition of all steel framed barns, conversion of existing brick barns to form 4 No. flexible commercial units (classes A1, A2, A3 and B1), conversion of brick barns to form 11 No. dwellings, erection of 8 No. affordable and 18 No. open market homes, landscaping, associated car and bicycle parking, public open space, pedestrian footways, cycleways, access roads and pedestrian and within site cycle crossing points

KVA Planning Consultancy has been instructed to respond to the public consultation on the above-mentioned planning application to be submitted to North Lincolnshire Council on behalf of the Northern Lincolnshire district branch of the Campaign to Protect Rural England (NLCPRE).

NLCPRE **object** to the proposals on the following grounds:

- The proposal would not be in conformity with both national and local planning policy;
- Development at this location would not constitute sustainable development;
- The site is located within the open countryside;
- The proposal does not constitute an affordable exception site out-with a settlement boundary; and
- Existing public transport provision is not adequate to support this level of development within the settlement.

Furthermore, this proposal is premature with regard to the emerging Neighbourhood Plan being prepared by Worlaby Parish Council. It is considered that the applicant should work with the Parish Council with a view to allocating this site through that document in order to deliver an appropriately scaled development suitable for the existing settlement.

NLCPRE has also recently submitted a response to the Council regarding a further application at a different site location (off Carr Lane) submitted by the same applicant adjacent to the settlement of Worlaby (PA/2018/440). NLCPRE are concerned that both of these applications, if approved, would lead to an additional 70 dwellings for a village that is considered to be one of North Lincolnshire's least sustainable settlements by its own planning department. The two proposals would increase pressure on the village school which is already reportedly at capacity and also on the existing highway network as discussed below.

It is noted that the reasons NLCPRE object to this proposal are the same as those set out in response to planning application PA/2018/401, this is by virtue of the fact the sites are located on land out-with the village boundary and within the open countryside.

Planning Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application should be determined in accordance with the development plan unless material planning considerations indicate otherwise.

The Development Plan relevant to this application consists of:

- Saved policies of the North Lincolnshire Local Plan, adopted in May 2003;
- The North Lincolnshire Core Strategy Development Plan Document, adopted in June 2011; and
- The North Lincolnshire Housing and Employment Land Allocations Development Plan Document, adopted in March 2016.

When determining the application, other 'material considerations' need to be taken into account. These considerations include other relevant policies and guidance particularly national planning policies provided by the National Planning Policy Framework (NPPF) and other relevant Government policy statements alongside the National Planning Practice Guidance (PPG).

The NPPF was published by the Department for Communities and Local Government (DCLG) in 2012 and set out the Government's planning policies for England and how they are expected to be applied. The NPPF is a material consideration which should be used to aid the determination of this planning application. Paragraph 215 of the NPPF confirms that due weight should be given to relevant policies in existing plans according to the degree of consistency with the framework.

The Council are in the process of preparing a new Local Plan. It is intended that once adopted, the new single Local Plan will replace the existing development plan documents currently used to determine planning applications. The Council has recently consulted the public and stakeholders on its Regulation 18 'Local Plan - Issues & Options Consultation Document' which NLCPRE responded to

in March 2018. In accordance with paragraph 216 of the NPPF, no weight can be attributed to the emerging document in determining this application, due to its early stage in plan preparation.

Achieving sustainable development is the primary aim of the NPPF. Paragraph 14 states that for decision making this means that proposals should be approved when in accordance with the development plan without delay, or where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- *“Any adverse impacts of doing so would significantly and demonstrably outweigh benefits, when assessed against the policies in this framework as a whole; or*
- *Specific policies in this framework indicate development should be restricted.”*

The NPPF requires that housing applications are considered in the context of a presumption in favour of sustainable development and states at paragraph 49 that *“relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.”*

The Council has produced a Five-Year Housing Land Supply Statement which covers the period from 1st April 2016 to 31st March 2021. The summary to this Statement sets out that the Council currently has a 3.9-year housing land supply. This confirms that the Council is unable to meet its short-term housing needs and consequently, unless material considerations determine otherwise, the titled balance in favour of sustainable development is triggered and thus the application should be determined against Paragraph 14.

The recent Supreme Court judgement in the cases of Suffolk Coastal District Council v Hopkins Homes Ltd and Richborough Estate Partnership LLP v Cheshire East Borough Council (2017) sets out that just because a Local Planning Authority does not have a demonstrable five-year supply and housing policies cannot be considered *‘up-to-date’* does not mean that restrictive policies are too (my emphasis). The weight to be given to a restrictive policy (or any other policy) within the Development Plan was stated to be *‘a question of planning judgement’*. NLCPRE, believe, that as the site is currently within the *‘open countryside’* and out-with an agreed settlement boundary, this should be given considerable weight in the planning balance when determining this application alongside other restrictive policies.

It is, therefore, essential that the Council considers the proposal against paragraph 14 of the NPPF *and* whether specific policies within the NPPF as a whole and those within the Development Plan indicate that development at this location should be resisted.

The Council adopted its Core Strategy Development Plan Document in June 2011, setting out the long-term vision for North Lincolnshire and strategic policies for managing growth and development in the area up to 2026.

North Lincolnshire's rural area and the countryside is a vital resource for the area in terms of the economy, leisure and recreation and the natural environment.

Worlabby House Farm and buildings are sufficiently noticeable on the approach to Worlabby village. Historically they form part of an intrinsic group of buildings on the north west edge of the settlement, currently still used for agricultural purposes. For the purpose of this consultation it is acknowledged that the application site falls outside of the settlement of Worlabby and is considered to be within the rural area (i.e. countryside).

The character of Worlabby House Farm is of the result of its agricultural function and development. Other than the modern farm buildings (visible in the background due to their form, function and scale) the original brick buildings fronting the road retain their original scale and the architectural characteristics of their form and design. Whilst not listed, the buildings are an important historical asset to the setting of the village and as such the Parish Council have expressed a desire to retain these through the emerging Neighbourhood Plan. To some extent, the conversion and re-use of these buildings would be beneficial to the surrounding setting of the existing settlement and could justify the development of a reduced number and more appropriately scaled development proposal at this location, which could incorporate a mixed-use element by providing live-work units and encourage the facilitation of a farm shop or similar enterprise.

The proposal seeks planning permission for a mixed-use scheme of rural economic diversification of an existing rural enterprise. The proposal seeks to utilise non-designated heritage assets (traditional buildings) as a means of facilitating 26 new houses and 11 newly converted residential buildings in the open countryside.

Paragraph 28 of the NPPF states *"planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development"*.

Policy CS1 of the Core Strategy sets out the broad framework around which the spatial development strategy for North Lincolnshire will be based. It provides clear priorities for the distribution and location of future development and a distinct direction for moving the area forward and achieving the spatial vision and objectives. The Settlement Hierarchy, shown at paragraph 5.47, highlights Worlabby as a 'rural settlement'. Policy CS1 sets out that in relation to rural settlements *"development will be limited and should take into account levels of local service provision, infrastructure capacity and accessibility. Any development that takes place should be in-keeping with the character and nature of the settlement."*

NLCPRE are aware that public transport provision in the settlement is poor. The last bus, from the market town of Barton on Humber, is approximately 2pm. Barton is located approximately 9 miles from Worlabby which is considered too far to walk or cycle by many residents of Worlabby. It is also not a helpful time for those wishing to reside in Worlabby but commute to work. Brigg is also located at approximately 5 miles from Worlabby and similar issues regarding public transport exist. There is, therefore, heavy reliance on the private car.

The applicant proposes the site access to be located onto New Road. However, members are concerned about the safety of doing so, due to the fact it is extremely narrow meaning two cars cannot safely pass at present. It is further considered that an alternative access on to the B1204 would also cause safety issues due to the nature of the curvature of the road. NLCPRE believe that should the Council be minded to approve this application, the Highways Authority would need to be satisfied that the proposed routes to the site provides safe access to all current and future road users.

Members are concerned that a development providing 37 additional dwellings, will increase the number of private cars on the local road network. Whilst capacity may not be an issue, safety is. This is due to the character of the small, narrow rural lanes and the fact that many houses in Worlaby do not have private driveways or garages, thus cars are forced to park on the road making traversing the roads and bends through the village difficult and at times dangerous. Congestion can occur at peak periods due to the number of parked cars at places like the village school and seasonal farm traffic can also lead to problems.

Policy CS3 of the Core Strategy deals with capacity together with the ability of the settlement to accommodate future development based on existing and proposed infrastructure, on its access to facilities and services and levels of public transport. This also includes the availability of previously developed land. Policy CS3 is clear that outside of the development limit the priority will be to maintain and enhance the countryside including the area's landscapes. It is the opinion of NLCPRE that the development of 37 dwellings in the open countryside is not integral to the functioning of the countryside and therefore, this proposal is not in conformity with Policy CS3.

Policy CS6 (Historic Environment) states that "*all new development must respect and enhance the local character and distinctiveness of the area in which it would be situated, particularly in areas with high heritage value*". In a wider context, the application site is located on the eastern edge of the River Ancholme Valley, within the catchment area of the New River Ancholme.

In such locations, new housing development and re-use of existing buildings are prioritised to that which best contributes to creating sustainable, balanced communities and supports the area's transformation to becoming part the Global Gateway for the north.

Policy CS8 of the Core Strategy considers new housing within the rural settlements where it will create opportunities for small scale infill development that maintains the viability of the settlement and meets identified local needs without increasing the need to travel. It is clear that this proposal would not reduce the need to travel, nor the reliance on the private vehicle, due to its distance from the nearest market towns. Whilst the applicant has proposed to provide public open space, footpaths and cycleways, this is not considered sufficient to warrant a permission in an open countryside location for 37 new dwellings. Residents and visitors are fortunate to be able to access the countryside from the village location already. Whilst additional access to the countryside is welcomed and encouraged by NLCPRE for all proposals, it is not considered in itself an appropriate

justification for building out-with settlement boundaries where development is strictly limited, and the proposed housing does not relate to agricultural or forestry related uses.

Policy CS9 of the Core Strategy deals specifically with affordable housing, setting out that in rural settlements 10% of the proposed number of units should be affordable dwellings. This is in conformity with Government Guidance which sets out that for developments of 11 residential units and above, a provision for affordable housing should be delivered in line with each Local Authority's needs. Similarly, Policy CS9 states that planning permission will be granted for the release of small rural exception sites within or adjacent to the development limits or within rural settlements for 100% affordable housing where a local need has been clearly identified. The proposed development is not for 100% affordable housing as described by the applicant's Design and Access Statement. Therefore, cannot be claimed to be in conformity with this part of the policy.

The Secretary of State saved policies within the North Lincolnshire Local Plan (LP) (adopted May 2003) through a Direction in 2007. The LP is gradually being replaced by the Council's Local Development Framework and some of its policies have been replaced following the adoption of the Core Strategy and the Housing and Employment Land Allocations DPDs although certain policies remain relevant to the determination of this application.

Saved LP Policy RD2 sets out the Council's overall development control policy for development within the open countryside. It aims to balance the needs and benefits of economic activity with maintaining and/or enhancing the quality of the countryside. It promotes the positive benefits of rural diversification by ensuring that the long-term social and economic vitality of rural areas, and an efficient and flexible agriculture industry is maintained.

Saved LP Policy RD6 (Re-use and/or Adaption of Rural Buildings for Industrial and Commercial uses in the Open Countryside) states that enterprises, especially small-scale ones, play a vital role in promoting healthy economic activity within the wider rural area beyond settlement limits. Where conversion to a commercial use is not wholly feasible, conversion to a residential use might be an acceptable form of development – subject to planning policies. It is however the most difficult and challenging – as well as potentially the most harmful.

There is no evidence in the supporting documentation to suggest that the proposed economic (commercial/retail) uses are justified and it is therefore queried where the demand for such site specific A1, A2, A3 and B1 uses has been sourced.

Before making a decision, the Local Planning Authority will be required to satisfy themselves that the proposal will not impact on non-designated heritage assets and whether there is any local benefit to be had from the proposal, i.e. whether the development secures an optimum viable use.

Whilst Worlaby has a small village primary school and a village hall, it has none of the other key facilities or services required to enable the settlement to be considered 'sustainable' by the Council.

Indeed, it is noted that the Council's Spatial Planning response to this consultation states that *"Worlaby is one of North Lincolnshire's least sustainable settlements and therefore could not accommodate this level of growth"*. NLCPRE, therefore do not believe that the addition of 37 dwellings at this location will aid the economic vitality of the rural area or bring any economic benefit to the existing settlement.

Conclusion

It is recognised that North Lincolnshire Council cannot currently demonstrate an up to date 5-year housing land supply, therefore, the titled balance is triggered, and this becomes a Paragraph 14 application. This must be weighed accordingly in the planning balance when determining this application.

It is also acknowledged that the very fact that this is a Paragraph 14 application does not render all planning policies out of date as the weight to be attached to the restrictive policies of the In delivering the priorities of the spatial strategy, a consistent approach to the location of all development must be taken.

It should be recognised that not every settlement can accommodate development. Where development is permitted particularly in the re-use and conversion of non-designated heritage assets it should be of the highest quality and design and make a positive contribution to the environment as well as the social and economic prospects of the area as guided by the NPPF.

Worlaby House Farm occupies a semi-backland position behind the main built up frontage of properties fronting the B1204 on the main access to the village from the north west.

Whilst a sensitive and well justified scheme may be accepted for conversion of the brick buildings for residential and economic uses, the planning application includes 27 no. new residential dwellings and is contrary to the Councils adopted Development Plan in force.

The Planning Application and supporting evidence shows little justification for how each element of the development collectively performs to the three dimensions to sustainable development in an economic, social and environmental role.

Furthermore, the setting of the retained brick buildings could be compromised by; the addition urban/domestic paraphernalia, fully glazed brick bays, the introduction of car parking to the site frontage, hard surfaces and new boundary treatments which can contribute to undermining the rural setting if not carried out sympathetically. As such the site falls in a highly vulnerable road fronting location.

Unless strict controls are imposed, what will be most obvious will be the loss of the simple functional agricultural form for an increased, mixed/multiple use which in itself can often raise conflicts

between uses and impact on nearby residential amenity. Such issues should be weighed as material considerations.

It is concluded that the proposal does not comprise a sustainable or fully justified viable form of development and in view of its location outside the development limit could also result in a harmful impact on the area character. As such, the proposal should be refused.

Alternatively, as part of a future strategy, the NLCPRE recommend putting the site forward for inclusion of the Worlaby Neighbourhood Plan which is currently gaining momentum in the planning process.

Worlaby is a small rural settlement and contains only 2 key facilities and services comprising a primary school and village hall/church hall. Current evidence determines that Worlaby is one of North Lincolnshire's least sustainable settlements and therefore it is likely that it cannot accommodate the level of growth that is proposed in the application. The proposed development in its current guise, consisting of mixed-use commercial facilities and 37 dwellings with access off New Road, Worlaby is considered to represent a significant and sizeable development in the Wolds Edge landscape and could have the potential to have a harmful impact on the site and site setting.

Considering the policy criteria set out above, it is the opinion of NLCPRE that the proposal does not comprise a sustainable form of development and in view of its unsustainable location outside the development limit could also result in a harmful impact on the area character. As such, the restrictive policies of the Development Plan should be applied, and the proposal refused.

NLCPRE would wish to be kept informed should any further information be submitted in support of the application.

Yours sincerely

Katie Atkinson, MRTPI
Director
KVA Planning Consultancy

On behalf of: David Rose, Chairman of CPRE Northern Lincolnshire CPRE.

