Misterton Neighbourhood Plan Review – May 2021

**Planning Approvals and Refusals Since Adoption**

There have been 45 planning applications since the Neighbourhood Plan (NP) was submitted for referendum in September 2019 (excluding those relating to treeworks/TPOs)..

There have been 24 approvals 11 refusals and 10 remain pending since July 2019 (post submission of the NP for referendum).

Looking at the applications that were **refused**, the grounds for refusal are as follows:

**20/01590/HSE** 12 High Street Misterton

Conversion of Garage to Residential Annex - Form, scale and mass would appear dominant, overbearing, and incongruous. This is in relation to the site, the street scene and neighbouring properties.in breach of Policies 1 Sustainable Development & 2 Design of the Neighbourhood Plan & Local Plan Policy DM4.

Parish Council expressed some concern with the loss of parking provision.

**20/01380/HSE** 4 Old Forge Road Misterton

Erect Two Storey Side Extension Single Storey Rear Extension Attached to Existing Garage and Replace Garage Roof with a Flat Roof – Breach of Local Plan DM4 and Neighbourhood Plan Policy 1. Development should be designed to ensure that it does not adversely affect the amenity of nearby residents. The proposed extension by reason of its height and proximity to the boundary, would unduly dominate the outlook of; and overshadow the adjacent properties,

Parish Council expressed concerns about the flat roof being out of keeping.

**20/01239/FUL** Haxey Quays Haxey Road

Replacement of Existing Site Reception Offices and Toilet/Shower Blocks with Larger Facilities

Breach of polices DM9 & DM12 Failure to illustrate suitable flood risk assessment to meet sequential test for flood zones 2 & 3 and no information regarding impact on protected species.

Parish Council objection due to inadequate flood risk assessment & lack of appropriate evacuation plan.

**20/00910/HSE** 2 Pinfold Lane. Conversion of Single Storey Double Garage into a Two Storey Double Garage with Office Space Above Main Garage Area, all as Plans Submitted. Breach of DM4 & associated NP polices 1 & 2 -The proposed extended building by virtue of its form, design and scale would appear as an incongruous feature in the street scene, excessively dominant which would jar with the prevailing character of the surrounding area to its detriment.

Parish Council objection – breach of DM4 in that it was out of scale with surrounding area and a negative impact on the amenity of neighbouring properties.

**20/00598/FUL** 111 Fox Covert Lane Resubmission of PA 19/00679/HSE - Drop Kerb in Front of Property – Breach of NPPF Insufficient information to illustrate proposal creates spaces that are safe (Including with safe access), secure, attractive and don't present an unacceptable risk to highway safety.

Parish Council objection - highways safety and visibility issues.

**19/01528/OUT** Land Rear of 12 High Street

Outline Application with All Matters Reserved to Erect One Dormer Bungalow (Resubmission of 19/00948/OUT) Breach of Local Plan Policy DM4– no access from an adopted road therefore failure to provide a safe and suitable highways access to the development site.

Parish Council objection -lack of access from an adopted highway

**19/01425/OUT** 43 Marsh Lane

Outline Application with All Matters Reserved to Erect One Dwelling

Flood Zone 3 – Failure to meet the sequential test and in breach of Neighbourhood Plan Policies 1, 2 & 5 Windfall Development being out of keeping with the surrounding area and which required maintenance of the linear character of residential development in this area (Character Profile Zone 4)

Parish Council objection – failure to meet he sequential test and allocated sites in the Neighbourhood Plan meant development in flood zone 3 not required.

**19/01565/OUT** Land at 30 Gringley Road Outline Application with Some Reserved Matters (Approval being Sought for Access and Scale) for Residential Development of Five Dwellings

Noted Neighbourhood Plan represents significant material change in planning policy redefining the development boundary and allocating alternative sites. Applicable Neighbourhood Plan Polices 1, 2 and 5 Windfall Development were breached by the proposal. Part of the rural approach to the village, an overly intensive infill, unduly urban in character and at odds with the rural character of the area and the linear development pattern.

**20/01478/FUL** Land West of Number 6 Deans Close Erection of Nine Detached Dwellings and Garages Including New Access.

Detailed decision for refusal yet to be published but unanimously refused by the planning committee despite the planning officers recommendation for approval on the basis that it met the windfall policy criteria

Parish Council strongly objected as the site had not been allocated in the Neighbourhood Plan and thereby failed to be consulted upon or had community support in line with the allocated sites. Representations were made at the planning committee by the NP steering group (G Collett), PC (P Marsden), Ward and District Councillors.

Before adoption of the plan but post submission of the draft plan:

19/00890/FUL Fox Covert Farm Fox Covert Lane

Proposed Retention and Continuation of Partly Completed Dwellinghouse

Flood Zone 3 Failure to meet the sequential test (noting NP allocated sites NP11 NP12) but in keeping with the Neighbourhood Plan profile character and Policies 1 and 2 where they relate to development that does not adversely affect the character and appearance of that part of the village.

Parish Council objection on several grounds including temporary nature of the “farm” and allocation of land as residential under the Neighbourhood Plan (NP11 & 12)

19/00948/OUT Land Rear of 12 High Street

Outline Application with All Matters Reserved to Erect 2 Detached Bungalows

Breach of Local Plan Policy DM4– no access from an adopted road therefore failure to provide a safe and suitable access to the development site and overdevelopment which if permitted would seriously detract from the amenities of future occupiers of the new dwellings. Contrary to Policy 6 of the Neighbourhood Plan - causing unacceptable harm to the privacy or amenity of existing and future properties.Parish Council objection due to overdevelopment of the site and impact on neighbouring properties

In respect of refusals the Neighbourhood Plan appears to have been relied upon and applied where relevant including references by the Appeals Inspectorate. Parish Council objections also appear largely in line with outcomes. The only caveat would be that it didn’t appear to assist greatly with the Fox Covert Farm application (other than illustrating allocated sites for the sequential test). The Parish Council and residents felt very strongly about this application, but the Neighbourhood Plan had a limited impact on the decision and supported it in several respects. The reasons for this could be considered within any formal review in the future.

Arguably more importantly however is the decision at Land West of Deans Close, which tested the windfall policy and which should now be included in an review and amendment (see conclusion/recommendations below).

In terms of permissions **granted**, the Neighbourhood plan has been cited in the following decisions/officer’s reports (grouped together where relevant):

Listed Buildings/Heritage

**20/01712/LBA** 103 Station StreetReplace 4 Yorkshire Sash Windows on South Elevation with Slimline Double-Glazed Units with Wooden Frames

**20/01353/LBA** 27 High Street Replacement of 1980's Single Glazed, Wooden Sash Windows with New Wooden Sash Windows with Slimline Double Glazing & Sash Removal System.

**20/00957/LBA** 11 High St. Refurbish Windows, Shutters and Front Door, Replacement of Living Room Window and Missing Airbrick, Removal of Existing Render and Replace Concrete with Lime Render

**21/00319/LBA** The Cedars 10 Haxey Road. Retain Replacement Front and Side Doors, Retain Front Boundary Wall, Replace First Floor Windows to Front Elevation & Remove Porch

Noted no specific policies relating to heritage in the Neighbourhood Plan.

Parish Council had no adverse comment to the above applications.

Extensions

**20/01211/HSE** 3 Church Lane. Erect Two Storey Side and Single Storey Front Extension (Resubmission of P.A 20/00302/HSE)

Reference to Neighbourhood Plan - relevant policies which were afforded full weight. Policy 1 -Sustainable development Policy 2 – Design which were met by the development proposal.

The Parish Councill expressed some concerns regarding conservation to ensure that the plans met the conservation officer’s initial concerns but had no objection based on the NP.

**20/01528/HSE** Proposed Single Storey Side Extension. | 11-13 Marsh Lane

Reference to Neighbourhood Plan Policy 1 -Sustainable development Policy 2 – Design

which were met by the development proposal and granted as represented sustainable development.

Parish Council had no adverse comment.

**20/01304/HSE** 4 Grovewood Terrace. Erect Single Storey Rear Extension

**20/01298/HSE** The Lodge 25 Old Haxey Road. Rear Ground Floor Extension, Replacement of Existing Conservatory with Sunroom and Replacement of Side Extension

**20/01041/HSE** 14 Debdill Road Demolition of Existing Outbuilding and Erection of Single Storey Extension to Dwelling.

**21/00035/HSE** 10 Church Street. Single storey side extension

**20/00874/HSE** Tindale Bank Gatehouse, Haxey Road. Front and Rear Extensions.

Noted NP carried full weight with relevant Policy 2 – Design. The proposal by virtue of its design and appearance was not harmful to the character of the street scene and would not have an unacceptable impact upon the living conditions of any of the neighbouring occupiers.

Parish Council had no adverse comment to the above applications.

Business

**20/00996/COU** The Pump House Soss Lane. Change of Use of Part of the Property (Ada) From a Dwelling to a Holiday Let

No direct reference to any NP policies but noted the plan was afforded full. weight. It was considered that the proposed vehicular and pedestrian gates and proposed fencing would not have a significant adverse impact on visual or residential amenity, highway safety nor the overall character and appearance of the locality in this instance.

Parish Council requested views of the Environment Agency to be sought due to flood risk and suitable parking arrangements confirmed (EA approved subject to mitigation/certain floor levels).

**20/01612/COU** Highfield 38 Gringley Road Change of Use of Annex to Holiday Let

In line with relevant national and local planning advice and policies and relevant policies of the Neighbourhood Plan (Policy 1, 2 and 15 Small businesses), the proposal would be of no detriment to the setting of the adjoining heritage asset or the character and appearance of the area as a whole or the amenities of adjoining residents.

Parish Council had no adverse comment.

**20/00172/COU** 37 Grovewood Road. Retain Change of Use of Garden Building to Run a Dog Grooming Business

Noted relevant Neighbourhood plan Policies Policy 2 Design and 15 Small businesses would not have a significant adverse impact on visual or residential amenity, highway safety nor the character and appearance of the area.

Parish Council did not object to the application and supported small businesses but had concerns about parking.

**20/00072/FUL** Millenium House Fox Covert Lane Retain Four Metal Containers for B8 use

Noted relevant Neighbourhood Plan Policy 1 - Sustainable Development and Policy 11 Small Businesses. Considering the positioning there would be no significant adverse impact on visual or residential amenity and complied with the spirit of Policy 11 of the NP.

Parish Council had no objections.

**20/00010/FUL** Highways Depot Station Road. Retention of 4 Container Units for a Temporary Period of 24 Months

No officers report available - granted for a further short period to allow the applicant to apply for a purpose-built building. No further temporary permissions would be granted on this site.

Parish Council had no objections.

Garages

**20/00844/HSE** 64 Station St. Demolish Existing Garage and Garden Sheds, Replace with New Garage

Noted relevant Neighbourhood Plan Policy 1 - Sustainable Development. Proposal complied.

Parish Council had no adverse comment.

**20/00534/HSE** 41 Marsh Lane Demolish Existing Garage. Replace with Larger Double Garage

Noted relevant Neighbourhood Plan Policy 2 – Design being sympathetic in terms of layout vernacular style and local character.

Parish Council had no adverse comment.

**19/01413/HSE** 2 Amcott Avenue Demolition of Existing Garage and Construct New Garage

Specific Neighbourhood Plan policies not noted but acknowledged the full weight of the plan. Acceptable in terms of scale & mass with french drain/new soakaway to satisfy MPC concerns.

Parish Council expressed concerns about drainage and SUDS.

**21/00177/HSE** 12 High St. Demolition of Existing Garage & Erection of Double Garage.

Parish Council had no objection in principle

**21/00035/HSE** 10 Church Street. Single storey side extension

Parish Council had no adverse comment

Other developments

**19/00795/OUT** Land West of The Old Barn Church Street. Outline Application with some matters Reserved (Approval sought for scale and layout) for Residential Development of up to 4 Dwellings.

Noted relevant Neighbourhood Plan Polices 1, 2 and 7 Land at Church St - allocated site which meant residential development was agreed in principle subject to meeting all criteria. No of units reduced and therefore proposal now had no adverse impact on heritage assets, village character, highway safety, flooding, or residential amenity.

Parish Council supported as an allocated site but subject to it meeting all Policy 7 requirements in terms of scale, density, access, heritage impact etc.

**19/01631/RES & 19/01600/RES** Plot 1 &2 Land West of Marsh Dene Stockwith Road Reserved Matters Application Following Outline P/A 17/01306/OUT (Approval Being Sought for Appearance, Landscaping, Layout and Scale) for Dwellings

Noted relevant Neighbourhood Plan Policies 1, 2 & 5 Windfall Development which were complied with by the proposal.

Parish Council had no adverse comment.

**Progress of Allocated sites since Adoption**

NP01 Land off Haxey Road – No updated information available

NP02 Land West of Church Street - Preliminary plans developed and planning permission granted for 4 dwellings. Land currently marketed.

NP06 Land off Meadow Drive- Marketed as development site

NP11 Land off Grange Walk - Landowner pursuing development; expected to go through pre-planning stage shortly. Initial consultation/site plan provided to the PC and Neighbourhood Plan Steering Group.

NP12 Land off Fox Covert Lane - Landowner currently has the site marketed. The Parish Council and NP Group encourage the site being linked to NP11 to have some consistency, linked access etc.

**Summary of Informal Review & Conclusions inc Recommendation.**

It is positive to note that the planning department regularly considers the NP, acknowledges its weight, and considers its impact on planning applications. Officer reports approving applications nearly always refer to the Neighbourhood Plan, illustrating relevant policies and ensuring that proposals are compliant. Upon review it’s noted that there is yet to be an application granted which conflicts with the Parish Councils position. It is also welcomed that one of the allocated sites (Land off Church Street) has come forward with outline planning approved for a modest number of units. (A further site at Grange Drive is also at the pre-enquiry stage and will no doubt be reviewed next year to see if this has come forward). It’s important to keep these under review or alternative sites would need to be consulted upon in due course.

However, despite the above, the decision at Land East of 6 Deans Close was a significant test which despite refusal this week, at committee level, was recommended for approval by the planning officer and a successful appeal could yet be filed seeking an unwelcome interpretation of the windfall policy. The application has highlighted that the windfall policy needs amendment to clarify the scope of this provision to avoid it being used by developers as a loophole. The application of the housing mix requirements should also be reviewed and reduced if possible (currently applicable for developments of more than 10 houses)

Other than Deans Close, planning refusals possibly appear slightly less reliant on the Neighbourhood Plan in terms of specific policy breaches being recorded in the decision but perhaps this is to be expected as the purpose of the plan is not to stop development but to support it, subject to meeting relevant criteria. Officer reports still regularly refer and highlight the impact of the Neighbourhood Plan policies. It did largely impact on the proposal for 5 properties (Gringley Road) which previously had planning permission for residential units. This illustrates that allocated site provision is being applied.

Decisions since the adoption of the plan have also illustrated that there are no specific heritage policies in the Neighbourhood Plan so it could be argued that there is a “gap” in provision, although this has not caused any particular issues to date. It may be that the conservation department already covers this area comprehensively and with expertise and therefore inclusion in the NP is not required. However, on formal review it may be worth considering whether the plan could include heritage policies as part of a further consultation to supplement existing local and national planning policies. As this would likely take longer to achieve it may be worth considering at a future review to avoid any delay in achieving the windfall issues.

To date there appears to be no other issues that have arisen e.g. changes in community facilities or impact on green spaces (although it is proposed that the Grange Estate green space is relocated as part of the development of NP11)

It is therefore recommended that the Neighbourhood Plan Steering Group be invited to meet and liaise with the planning department and seek a review of the plan and update the windfall policy and housing mix limits as required.

A Harrison

28.04.21

**Appendix 1 Schedule of Applications since July 2019**

**20/00510/HSE** I Erect Single Storey Detached Garage I 14 High Street PENDING

**21/00444/COU** I Partial Demolition and Change of Use of Former Community Building to Provide a Single Storey Two Bedroom Dwelling I (Victoria Institute) 2 Wharf Road PENDING

**21/00270/HSE** I Erect Open Framed Car Port I Oak House 117A Station Road PENDING

**21/00304/FUL** I Siting of a Cabin for Holiday Accommodation I Land at Cornley Farm, Cornley Road. PENDING

**21/00386/LBA** I Refurbishment of Dwelling Including Internal and External Alterations I 7 Gringley Road. PENDING

**21/00385/LBA** & **21/00384/FUL** I Demolition of Barn and Outbuildings & Erect Detached Dwelling Including New Garage & Alterations to Access I 7 Gringley Road. PENDING

**21/00341/HSE** I Carry Out External Alterations and Erect Single Storey Side Extension to Existing Detached Double Garage I 2 Pinfold Lane. PENDING

**21/00035/HSE** ISingle storey side extension I 10 Church Street GRANTED**.**

**21/00319/LBA** I Retain Replacement Front and Side Doors, Retain Front Boundary Wall, Replace First Floor Windows to Front Elevation & Remove Porch I The Cedars 10 Haxey Road GRANTED

**21/00100/HSE** | Rear Ground Floor Extension, Replacement of Existing Conservatory with Sunroom and Replacement of Side Extension (Resubmission of P.A. 20/01298/HSE) | The Lodge 25 Old Haxey Road GRANTED

**21/00177/HSE** | Demolition of Existing Garage and Erection of Replacement Double Garage. | 12 High Street GRANTED

**20/01712/LBA** Replace 4 Yorkshire Sash Windows on South Elevation with Slimline Double-Glazed Units with Wooden Frames |103 Station Street Misterton GRANTED

**20/01478/FUL** Erection of Nine Detached Dwellings and Garages Including New Access | Land West of Number 6 Deans Close Misterton REFUSED

**20/01597/FUL** Replacement of Existing Site Reception Offices and Toilet/Shower Blocks with Larger Facilities (Resubmission of P.A. 20/01239/FUL) | Haxey Quays Haxey Road PENDING

**20/01590/HSE** Conversion of Garage to Residential Annex | 12 High Street Misterton REFUSED

**20/01528/HSE** Proposed Single Storey Side Extension. | 11-13 Marsh Lane Misterton GRANTED

**20/01612/COU** Change of Use of Annex to Holiday Let | Highfield 38 Gringley Road GRANTED

**20/01380/HSE** | Erect Two Storey Side Extension, Single Storey Rear Extension Attached to Existing Garage and Replace Garage Roof with a Flat Roof | 4 Old Forge Road Misterton REFUSED

**20/01353/LBA** | Replacement of Existing 1980's Single Glazed, Wooden Sash Windows with New Wooden Sash Windows with Slimline Double Glazing and Sash Removal System. | 27 High Street Misterton GRANTED

**20/01304/HSE** | Erect Single Storey Rear Extension | 4 Grovewood Terrace GRANTED

**20/01298/HSE** | Rear Ground Floor Extension, Replacement of Existing Conservatory with Sunroom and Replacement of Side Extension | The Lodge 25 Old Haxey Road GRANTED

**20/01239/FUL** | Replacement of Existing Site Reception Offices and Toilet/Shower Blocks with Larger Facilities | Haxey Quays Haxey Road REFUSED

**20/01160/FUL** | Erection of Two Detached Live/Work Units (Resubmission of P/A 19/01319/FUL) | Mill House Stockwith Road PENDING

**20/00996/COU** |Change of Use of Part of the Property (Ada) From a Dwelling to a Holiday Let |The Pump House Soss Lane GRANTED

**20/01041/HSE** | Demolition of Existing Outbuilding and Erection of Single Storey Extension to Dwelling. | 14 Debdhill Road GRANTED

**20/00072/FUL** | Retain Four Metal Container Units for B8 use | Millenium House Fox Covert Lane GRANTED

**20/00957/LBA** | Refurbish Windows, Shutters and Front Door, Replacement of Living Room Window and Missing Airbrick, Removal of Existing Render and Replace Concrete with Lime Render | 11 High Street GRANTED

**20/00766/FUL** | Change of Use of a Barn for Community Use Activities and Proposal for Additional Parking (Resubmission of P.A. 19/00767/COU) | Grove House Farm 27 Grovewood Road PENDING

**20/00910/HSE** | Conversion of Single Storey Double Garage into a Two Storey Double Garage with Office Space Above Main Garage Area, all as Plans Submitted | 2 Pinfold Lane REFUSED

**20/00844/HSE** | Demolish Existing Garage and Garden Sheds, Replace with New Garage | 64 Station Street GRANTED

**20/00874/HSE** | Front and Rear Extensions with Internal Remodel | Tindale Bank Gatehouse Haxey Road GRANTED

**20/00598/FUL** | Resubmission of PA 19/00679/HSE - Drop Kerb in Front of Property | 111 Fox Covert Lane REFUSED

**20/01211/HSE** | Erect Two Storey Side and Single Storey Front Extension (Resubmission of P.A 20/00302/HSE) | 3 Church Street GRANTED

**20/00534/HSE** | Demolish Existing Garage and Replace with Larger Double Garage | 41 Marsh Lane GRANTED

**20/00172/COU** | Retain Change of Use of Garden Building to Run a Dog Grooming Business | 37 Grovewood Road GRANTED

**20/00010/FUL** | Retention of 4 Container Units for a Temporary Period of 24 Months | Highways Depot Station Road GRANTED

**19/01631/RES** | Reserved Matters Application Following Outline P/A 17/01306/OUT (Approval Being Sought for Appearance, Landscaping, Layout and Scale) for One Dwelling | Plot 2 Land West of Marsh Dene Stockwith Road GRANTED

**19/01600/RES** | Reserved Matters Application Following Outline Application 17/01306/OUT (Approval Being Sought for Appearance Landscaping Layout and Scale) for One Dwelling | Plot 1 Land West of Marsh Dene Stockwith Road GRANTED

**19/01565/OUT** | Outline Application with Some Reserved Matters (Approval being Sought for Access and Scale) for Residential Development of Five Dwellings | Land At 30 Gringley Road REFUSED

**19/01528/OUT** | Outline Application with All Matters Reserved to Erect One Dormer Bungalow (Resubmission of 19/00948/OUT) | Land Rear Of 12 High Street REFUSED

**19/01425/OUT** | Outline Application with All Matters Reserved to Erect One Dwelling | 43 Marsh Lane REFUSED

**19/01413/HSE** | Demolition of Existing Garage and Construct New Garage | 2 Amcott AvenueGRANTED

**19/01234/HSE** | Erect Detached Open Fronted Barn to Front Boundary | 103 Station Street GRANTED

**19/00795/OUT** | Outline Application with some matters Reserved (Approval sought for scale and layout) for Residential Development of up to 4 Dwellings.

Land West of The Old Barn Church Street GRANTED

**19/00890/FUL** | Proposed Retention and Continuation of Partly Completed Dwellinghouse | Fox Covert Farm Fox Covert Lane REFUSED

**19/00948/OUT** | Outline Application with All Matters Reserved to Erect 2 Detached Bungalows | Land Rear Of 12 High Street REFUSED