

Contacts

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Warren Peppard is the County advisor commenting on highway issues.
warren.peppard@lincolnshire.gov.uk

Cllr Penny Milnes is a councillor of our neighbouring area with experience of a number of similar applications. penny.milnes@southkesteven.gov.uk, 01400 250855, 07973 954685

District Cllr Mary Green cllr_Mary_Green@n-kesteven.gov.uk
 (and Mary Green is a Board Member of the Upper Witham Drainage Board)

County Councillor Marianne Overton marianne.overton@biosearch.org.uk

Richard Fennick. LCC Highways Manager

Richard Davis. Head of LCC

Dr Caroline Johnson, our MP

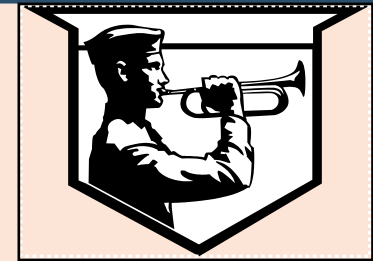
The next Parish Council meeting is on Wednesday 23rd February at which the Parish Council will formally respond to this Planning Application.

But the Parish Council might also call an Extraordinary General Meeting if the need arises. Three days notice must be given.

Please keep on eye on the Notice Board and website at

www.beckinghamvillage.co.uk

The Beckingham & Sutton Bugle



March 2022

Beckingham and Sutton Village News and Information

Planning Special



There will be a meeting for all Parishioners on Wednesday 16th February 2022 at 7pm in the Village Hall to discuss this very important issue.

If you care about your village please attend!

The story so far.....

20th December..... 2 yellow plant machines and various cars noticed with activity in the field. This was brought to the attention of District Councillor Mary Green who alerted Michelle Hoyles(NKDC Planning and Enforcement) that the land opposite Beckingham village is about to become a travellers site and asks for a team from enforcement either LCC Highways or NKDC to pay a visit as a matter of urgency.

22nd December.....

Michelle Hoyles writes to Parish Council Chairman

“to confirm that that a hearing has been listed at Court at 10am tomorrow. This is the earliest hearing we could obtain. It will be a virtual hearing, and Legal Services are making arrangements for a process server to collect the Court papers after the interim Order has been approved - which we believe it will be. I will be attending the hearing in case my input is required, and to hear the Judge’s comments and make appropriate notes (a legal requirement).

The injunction will be an Interim ex parte Order (granted without notice). Such Orders can only prohibit activities as the Defendants are not given an opportunity to make their case, and therefore tomorrow’s hearing is intended to solely maintain the current status quo. We will be arranging a return hearing for a date in January or February for the Judge to hear our application for a Final Order; this Final Order will seek removal of the caravans and all associated unauthorised operations. The Defendants have a right to challenge this and attend the hearing. At this stage it isn’t clear what will happen, however it’s a process we need to follow in order to try to bring the land back into a lawful state.

Injunctions are required to be served the same day they are made, so the Interim papers will be served on the group tomorrow. Realistically, as the Order is being granted so soon before Christmas our options for further enforcement between now and the New Year are going to be extremely limited in the event the group ignores it. There is a good chance the Order will be adhered to, however non-compliance is a contempt of Court matter and therefore we will be prioritising the recording and retaining evidence of any breaches between now and the New Year, in preparation for bringing the matter back before the Court in early January.”

continuing.....

You need to make full use of the Central Lincolnshire Local Plan 2017 and in particular

Policy LP2: The Spatial Strategy and Settlement Hierarchy which states:

*6. Small Villages Unless otherwise promoted via a neighbourhood plan or through the demonstration of clear local community support****, the following applies in these settlements: they will accommodate small scale development of a limited nature in appropriate locations**.*

Policy LP55: Development in the open countryside

Policy LP55: Development in the Countryside

Part A: Re-use and conversion of non-residential buildings for residential use in the countryside

Where a change of use proposal to residential use requires permission, and where the proposal is outside the developed footprint of a settlement listed in the settlement hierarchy, then the proposal will be supported provided that the following criteria are met:

- a. Comprehensive and proportionate evidence is provided to justify either that the building can no longer be used for the purpose for which it was originally built, or the purpose for which it was last used, or that there is no demand (as demonstrated through a thorough and robust marketing exercise) for the use of the building for business purposes; and
- b. The building is capable of conversion with minimal alteration, including no need for inappropriate new openings and additional features; and
- c. The building is of notable architectural or historic merit and intrinsically worthy of retention in its setting.

Policy LP56: Gypsy and traveller accommodation:

be considered against the following criteria:

- a. The proposal should not conflict with other local or national policies relating to flood risk, contamination, landscape character, protection of the natural and built environment, heritage assets or agricultural land quality; and
- b. Must have adequate and safe vehicular access; and

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Central Lincolnshire | Local Plan - Adopted April 2017

Development Sites

- c. Must have sufficient space for vehicle manoeuvring and parking within the site; and
- d. Should provide an acceptable standard of amenity for the site’s occupants, and will not have an unacceptable impact on the amenity of nearby residents (in accordance with Policy LP26); and
- e. Should be adequately serviced, or capable of being adequately serviced, preferably by mains connections; and
- f. For non-allocated sites, should be located within reasonable travelling distance to both primary health care facilities and schools, preferably by walking, cycling or public transport. An exception to this may be allowed in the case of Travelling Showpeople, where there is a need to locate the development close to the primary road network: in such event, access to primary health care and schools should still be achievable.

but not

The racial or ethnic origin of the applicant,
The reasons or motives of the applicant in applying for planning permission (for example if the development is thought to be purely speculative);
any profit likely to be made by the applicant;
The behaviour of the applicant;
Nuisance or annoyance previously caused by the applicant [unless this relates to an existing development for which retrospective permission is being sought];
Concerns about possible future development of the site (as distinct from the actual development which is currently being proposed);
Any effect on the value of your property or of other neighbouring property

Look at

Department for Communities and Local Government August 2015 "Planning policy for traveller sites"

13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community
- b) promote, in collaboration with commissioners of health services, access to appropriate health services
- c) ensure that children can attend school on a regular basis
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development
- f) avoid placing undue pressure on local infrastructure and services
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.

This application is for a large site and so what are its proposals for landscaping, community space, access, waste water not to overflow, surface water.

17th January.....

Mark Williets(NKDC Development Manager) writes to the Parish Clerk

"You will be aware that on 23rd December 2021 the Council obtained a planning injunction in respect of unauthorised development at land North of the A17, Beckingham. This injunction was sought by the Council as a means of preventing further works on the land that appeared to be an attempt to turn it into a caravan site.

The return hearing took place today at the Lincoln County Court. Due to a series of legal arguments put forward by the defendants' appointed barrister and countered by our own barrister, the Court decided to set aside the injunction pending a transfer of the case to the High Court. The matter is going to be heard at the Royal Courts of Justice in London, and we are currently awaiting confirmation of a hearing date. We are hoping this hearing will take place within the next few days or early next week. As the injunction has been 'set aside', this means it cannot be enforced until it has been reviewed by the High Court.

It is with much regret that I have to inform of this. The legal process associated with injunctions is extremely complex and, whilst Council officers took all steps they possibly could to ensure the land continued to be protected by the injunction, the Court on this occasion has not made the decision we reasonably anticipated. I can advise that the Council is issuing a further Temporary Stop Notice this afternoon in an effort to seek to prevent further unauthorised development being undertaken on the land until the High Court hearing. At this stage in proceedings this is the only action the Council is legally able to take until the High Court decision is made in the next few days.

I anticipate there will be much local concern about the decision of the County Court, and I would like to assure you that Council officers are continuing to take all possible steps to address the unauthorised use of the land. Should any residents witness further development on the land I would be very grateful if this could be reported by email to enforcement@n-kesteven.gov.uk.

continuing.....

7th February.....

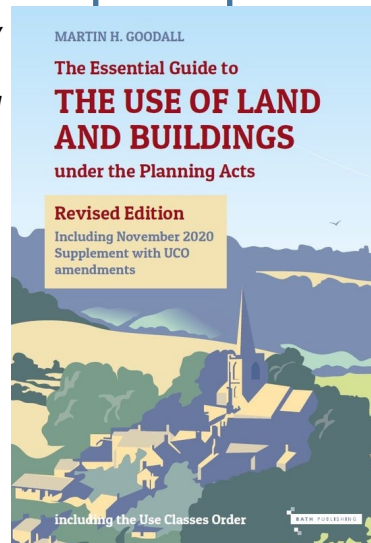
Mark Williets(NKDC Development Manager) writes to the Parish Clerk

“As you will be aware, the Council secured an interim injunction through Lincoln County Court on 23 December. At the return hearing in the County Court, the interim injunction was referred to the jurisdiction of a higher court. The matter has been heard twice at the Royal Courts of Justice, an initial hearing on 24 January and then on 3 February, with the Court’s decision being handed down after 4pm on Friday 4 February.

I write to advise that, whilst the Council was successful in securing an injunction in relation to the land off A17 at Beckingham, the Court determined to vary the Consent Order presented. The Council’s submission was to maintain the status quo of the breach as apprehended thereby accepting 8 tourer caravans and associated hardstanding could remain insitu pending the outcome of the planning process. The Council’s submissions reflected that from the evidence available the site was not being occupied for residential purposes.

However, in listening to verbal submissions on behalf of the defendants, and notwithstanding the written and photographic evidence presented by the Council, the Court took an alternative view and accepted the Defendants claims that up to 22 adults comprising 14 families were residing at the site. This being so, the Court (Ms Susie Alegre presiding) determined that a further 6 tourer caravans (a maximum of 14 tourer caravans) and associated hardstanding as well as connections to utilities was appropriate having regard to Article 8 of the Human Rights Act. As a consequence of this ruling, a varied Consent Order permitting the siting of the additional tourer caravans to a total of 14, associated hardstanding and utility connections is due for service within the next 24 hours. In the terms of the varied Consent Order such works are accepted. The varied Consent Order provides that, at the conclusion of the planning process and should the 17 planning applications be refused and related appeals dismissed (the deadline for the submission of any appeal is set for 28 days instead of 6 months), the land shall be restored to its original condition.

The outstanding information for the 17 planning applications was received on 3 February and they will be validated in the next 48 hours and consultations undertaken, ahead of determination by the Council in due course.”



Complaints and complaining

It is important to emphasise that you will need to complain against each and everyone of a multitude of planning applications.

Notification of Receipt of Planning Application

Planning Application Reference: 22/0081/FUL

Proposal: Change of use from equestrian to residential to accommodate 1 static caravan, 1 touring caravan (parking) brick and tile built day room, parking for 2 vehicles and associated service roads.

Location: Plot 1 Land Off A17 Adjacent To The River Witham Beckingham Lincs

The above planning application has been received by the District Council on 3rd February 2022.

The application can be viewed online at www.n-kesteven.gov.uk/planningonline, enter the planning application reference in to the search box. Any comments which your Council wish to make must be received by the District Council by **March 4th, 2022** otherwise they may not be taken into account because of the time-scales in which we have to operate.

You can make comment on the application via Planning Online, simply log in to your account and the comments will automatically come to us. Or alternatively you can email your comments to planning@n-kesteven.gov.uk.

Important.....You need to complain about all 17 planning applications

Making the complaint.....

You are making a complaint about a planning matter and so obviously you need to draw on planning material as much as possible.

Martin Goodall is an excellent starting point. <http://planninglawblog.blogspot.com/p/how-to-object.html> where he suggests grounds would be:

Adverse effect on the residential amenity of neighbours, by reason of (among other factors) noise disturbance*, overlooking, loss of privacy.

Unacceptably high density / over-development of the site

Visual impact of the development

Effect of the development on the character of the neighbourhood

Design

The proposed development is over-bearing, out-of-scale or out of character in terms of its appearance compared with existing development in the vicinity

The development would adversely affect highway safety or the convenience of road users