

## **UTT/ 13/3123/FUL (STRETHALL)**

(Referred to Committee by Cllr Menell. Reason: impact on local countryside, visual impact on ancient manor of Strethall and church. Possible destruction of special verges, fauna and flora. Overdevelopment on constrained site. Contrary to policy ENV8, ENV9, and H6)

**PROPOSAL: New dwelling**

**LOCATION: Ryders Barns, Strethall Lane, Strethall,**

**APPLICANT: Mr Michael Vanoli**

**EXPIRY DATE: 14 January 2013**

**CASE OFFICER: Tony Boswell**

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### **1. NOTATION**

1.1 Rural Restraint Area.

### **2. DESCRIPTION OF SITE**

2.1 The application site has an area of some 0.27 hectares to the north of Piper Lane, a narrow lane running east west some 500 metres to the south of Strethall Church. (St Mary the Virgin – a Grade 1 Listed building of Saxon origin). It is currently occupied by a number of elderly wooden and “Nissan hut” type structures that are lawfully used for storage purposes (see below). Those buildings may well form part of a former farmstead comprised around the adjacent “Ryders Farm”, a Listed building and outbuildings just beyond the western boundary of the application site. To the east of the application site is a further Listed building “The Old Rectory” and its own outbuildings. Further to the east is the former Swans Transport Yard which benefits from planning permission UTT/12/5221/FUL, providing for its development with a single four bedroomed home. The application site therefore forms part of a dispersed settlement of some forty (or thereabouts) homes comprising the adjacent settlements of Strethall and Catsmere End.

2.2 The frontage is occupied by one of several local ponds and a narrow public footpath, around 2.5 metres wide and running north-south that forms the existing vehicular and pedestrian access to the site. It is believed by some respondents that this public footpath forms part of the historic Icknield Way. However the published historical route of the Icknield Way runs several hundred metres to the north and west – see O.S Map on file. This enclave as a whole is surrounded by a good deal of tree cover that visually distinguishes it from open countryside comprising agricultural fields to the north and south. A number of road verges in proximity to the application site are protected for their biodiversity by ULP Policy ENV8.

### **3. PROPOSAL**

3.1 The application is for full planning permission and concerns the removal of all but one of the existing “barn” structures and their replacement by a proposed single house with adjacent “cart lodge” parking provision. The proposed building would occupy some 6.5 % of this 0.27 ha site. This and its garden enclosure would be on the eastern side of the site, clear of the pre-existing public footpath, while retaining the western part of the site

undeveloped with its existing barn in domestic storage use – which might be controlled by a planning condition recommended below.

- 3.2 The proposed house would be of two storeys with four bedrooms and a floor area of some 330 sq metres. The height of its ridge would be around 2.4 metres higher than the barn structures that it would replace and thereby be comparable in height to the two adjacent homes to the east and west. (Ryder Farm has a ridge height of around 9 metres). The design and external materials of the proposed house would be essentially quite conventional using stained weatherboarding, a large clay peg tiled/pantiled roof and painted softwood fenestration.
- 3.3 It is intended that the house would be a “self build” and constructed to standards of energy efficiency analogous to “Passivhaus” construction. In general terms Passivhaus standards are in excess of Code Level 6 of the Code for Sustainable Homes and, although there are some 37,000 examples worldwide, only some 50 (or thereabouts) buildings have been constructed to that standard within the U.K. (in early 2014).

#### **4. APPLICANT'S CASE**

- 4.1 Uttlesford DC is significantly short of deliverable housing land. That fact activates a number of provisions within the National Planning Policy Framework that would not arise if the District had a more up to date modern Local Plan that included provision for not less than a 5 year supply of deliverable housing land. Those provisions serve to activate a presumption in favour of sustainable development that should override the more restrictive Policy H3 of the 2005 Uttlesford Local Plan - (the policy intention of which is to restrict new development to a tightly delineated “development limit” around designated settlements such as Elmdon or Littlebury).
- 4.2 The proposed dwelling would not intrude into open countryside and would appear visible from open countryside between the two existing dwellings of Ryders Farm and the Old Rectory.
- 4.3 The proposed house would be built to high environmental standards and is inherently “sustainable”.

#### **5. RELEVANT SITE HISTORY**

UTT/0672/92 Storage of building materials and stage furniture – conditional permission granted 10.08.1992

UTT/309/79 O/L Single Dwelling, Refused 11th June 1979.

- 5.1 Note that although the storage use is stated to have ceased trading in 2008, with the benefit of a planning permission granted in 1992, that use persists lawfully on-site. (The Parish Meeting and others suggest that the use is largely or actually moribund). The three essentially “protective” conditions imposed in 1992 are no longer in compliance with modern government policy on the use of planning conditions – (DCLG Circular 11/1995, and relevant case law).
- 5.2 In that light and reflecting the very positive terms of advice regarding “Supporting a Prosperous Rural Economy” in paragraph 28 of the NPPF, without pre-judging any future proposals, it would be hard to resist any future commercial use of the application site as a whole - and any adverse impact upon neighbourly interests, the local vehicular traffic network or local road verges.

## **6. POLICIES**

### **6.1 National Policies**

- National Planning Policy Framework. Paragraphs 6 to 15, and paragraph 49 (in particular)

### **6.2 Uttlesford District Local Plan 2005**

- H3 - Infilling with new houses,
- H4 - Backland development ,
- H6 - Conversion of rural buildings to residential use,
- ENV8 - Other landscape elements of importance for nature conservation,
- ENV9 - Historic landscape,
- ENV4 - Ancient Monuments and Sites of Archaeological Importance,
- GEN1 - Access,
- GEN2 - Design,
- GEN4 - Good neighbourliness,
- GEN7 - Nature Conservation.

## **7. PARISH MEETING COMMENTS**

### **7.1 Strethall Parish Meeting strongly object. In fair summary they make the following points:**

- The existing barns whilst being semi-derelict are unobtrusive and of an age and style that naturally blends in with the rural landscape that exists within the parish of Strethall.
- Any new dwelling here would not only be situated between and compromise two listed dwellings but also interrupt an unbroken run of historic and listed buildings running along Piper's Lane from east to west.
- The proposed development by nature of its size would dominate and overlook both the listed buildings to either side.
- The application suggests there has been regular vehicular access on a weekly basis....this would appear to be untrue as having spoken to all the residents in Piper's Lane vehicles have rarely been seen accessing the site in recent years let alone on a weekly basis and even when it was being used as a storage yard years ago. Older residents will confirm it was hardly a hive of activity then.
- It should be noted that vehicular access to the site is via The Icknield Way footpath.
- The biodiversity survey says there is no evidence of bat roosts within the barns or within a kilometre of the barns. We cannot comment on the barns as they are locked, but bats and other wildlife are present in profusion.
- The proposed development is quite simply too large for such a constrained site and bears no relationship to the existing single storey barn, being at least 3 to 4 times its size.
- The application uses development permissions given for Swans Haulage Yard in Strethall and Wadhams Builders Yard in nearby Catmere End as precedent. Neither of these bear any similarity to the application site.
- The application is plainly contrary to Policies ENV8, ENV9 and H6.

### **7.2 *(Case officer's comment on the above matters. Policy ENV8 relates to the protection of biodiversity within nearby road verges in proximity. Policies ENV9 and H6 are not relevant or applicable to the current case).***

## 8. CONSULTATIONS

### ECC Highways

8.1 No objection

### ECC Archaeology

8.2 No objection, subject to archaeological investigation under a condition recommended below

### The Icknield Way Association

8.3 No objection, but ask to be consulted about any temporary obstruction or diversion that might be needed during construction

## 9. REPRESENTATIONS

9.1 Site Notice posted and twenty one adjacent or near neighbours notified by direct mail. Thirteen replies received at the time of drafting this report. In fair summary these make the following points:

- “Wholly inappropriate” in a rural area
- Not comparable to redevelopment of Wadhams Yard or Swans Yard in terms of the scale of current use
- Between two adjacent historic buildings
- Would interrupt or obstruct the Icknield Way footpath
- Should be smaller or single storey
- “Out of character” with local or adjacent buildings
- Would appear larger than the existing barns when seen from “The Old Rectory” adjacent, and similarly when viewed from the north.
- Would intrude into the view south from Strethall Church to the north
- Harm to local wildlife
- Possibility of roman or other archaeology
- No new house has been built in Pipers Lane, Strethall for more than 300 years
- Difficulties of access for construction traffic (*see condition recommended below*)
- The public footpath that runs through the site floods regularly in winter and apparently obstructs walkers and others.

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- COMMENTS ON REPRESENTATIONS:

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- There appears to be a common local misconception that the footpath which runs through the application site is actually part of the ancient Icknield Way. It isn't – see the O.S map on file which illustrates that ancient route some few hundred metres to the north and east. The precise route of the Icknield Way is known to have varied throughout the centuries. As a public footpath now used by walkers as a recommended modern alternative route, it is quite possible that the footpath within the application site might have been part of the ancient Icknield Way some centuries ago – it does link with the historic route at Strethall Church some 3-400 metres to the north.
- There is however an existing vehicular ROW to serve the storage use permitted under planning permission UTT/0672/92. That ROW would be re-used by the new house now proposed.

## 10. APPRAISAL

The key issues in this case are:

- (A) Potential impact on the countryside and local ecology.
- (B) Potential impact upon either or both adjacent Listed Buildings
- (C) The contribution that the proposed home might make to the shortage of deliverable housing sites within Uttlesford District

### A Potential impact on the countryside and local ecology

10.1 Note that the settlement does not have a designated Conservation Area or other “special” designation – (although it is evidently the smallest civil parish in England and, along with the nearby Strethall Church, has persisted since at least the Saxon era). The upper part of the proposed house would certainly be visible from the open fields and Strethall Church to the north. In that respect it would be seen, particularly with less foliage in winter months, between the visible roofs of “Ryders Farm” and “The Old Rectory” to either side. That new roof would be of comparable scale, height and materials to those two adjacent Listed buildings. From the countryside to the north and south, the overwhelming impression is now and would continue to be, of a largely wooded enclave, containing a small number of well-spaced house roofs of traditionally vernacular materials set within surrounding tree cover. (See image taken from Google Streetview on file).

10.2. ULP Policy S7 “The Countryside” seeks to prevent all inappropriate new development within the countryside. It is arguable that a residential redevelopment of the existing commercial use and its medium/long term potential for a commercial reuse might well – *“protect or enhance the particular of the part of the countryside within which it is set...”* (Policy S7). Although the current level of storage use is largely moribund, with the benefit of a lawful and longstanding planning permission, the application site certainly enjoys the status of Previously Developed Land (“brownfield land”) as defined within the NPPF. The clear presumption in favour of “sustainable development” in paragraphs 14 of the NPPF applies to this case.

10.3. Paragraph 17 of the NPPF lists a number of “Core Planning Principles”. Of particular relevance to this case, those principles include:

- *“..., recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.*
- *Support the transition to a low carbon future in a changing climate ...and encourage the reuse of existing resources, including conversion of existing buildings, and encouraging the use of renewable resources (for example, by the development of renewable energy).*

Notwithstanding a significant level of public opposition, the proposal as submitted clearly aims to implement those Core Planning Principles.

### B. The implications of the proposed development upon either or both of the two adjacent Listed Buildings.

10.4 The concern is to have – *“special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”*. Although the proposed building would be moderately close to either building, it lies within its own curtilage and it would have no implications for their historic structure and fabric. Neither would it have any implications for their setting – beyond being seen between them from the countryside, mainly from the north. That proposed new roof would

be of comparable scale, height and materials to those two adjacent Listed buildings. Despite being larger and so more visible than the pre-existing barns, in neither case would it create any adverse impact upon their “neighbourly” interests, such as overlooking or overshadowing.

10.5. A significant impact upon the wider setting of both Listed buildings might well arise from disruption to the existing tree cover, footpath and pond along the frontage of the site – in the course of providing access for deliveries and construction works. In light of the protection given to local road verges by ULP Policy ENV8 this matter has been discussed at length with the applicant and conditions are recommended below that would safeguard such concerns – or make good by default. The applicant has written to confirm acceptance of those conditions. See also letter on file from the applicant dated the 19<sup>th</sup> of December 2013.

### **C The contribution that the proposed home might make to the shortage of deliverable housing sites within Uttlesford District**

10.6 This proposal was the subject of pre-application correspondence with the applicant under ref UTT/13/0175/PA. That correspondence pre-dates application of the Council’s current affordable housing strategy which took effect in June 2013. The draft Local Plan is still at an early stage and has limited weight. At the present time the adopted Local Plan policies are still in force. However, since March 2012 the National Planning Policy Framework (NPPF) is a material planning consideration and this contains a strong presumption in favour of sustainable development.

10.7 The application site is located outside the development limits of either Elmdon or Littlebury, (both around 2 km distant and both containing a designated Conservation Area) - within open countryside and is therefore located within the Countryside where ULP Policy S7 is in effect. This policy specifies that the countryside will ordinarily be protected for its own sake and planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Development will only be permitted if its appearance protects or enhances the particular character of the part of the countryside within which it is set or there are special reasons why the development in the form proposed needs to be there. The Council has previously accepted the principle of replacing commercial premises with dwellings in the same vicinity and throughout the district. For example the recently permitted redevelopment of the near adjacent “Swans Yard”, and at Wadhams Yard some 150 metres to the east of the junction at Strethall Road. In each such case these were perceived to create a net environmental and visual benefit.

10.8. A review of the Council’s adopted policies and their compatibility with the NPPF has been carried out on behalf of the Council by Ann Skippers Planning. Policy S7 is found to be partly consistent with the NPPF. The protection and enhancement of the natural environment is an important part of the environmental dimension of sustainable development, but the NPPF takes a positive approach, rather than simply a protective one, to appropriate development in rural areas. Policy S7 strictly controls new building whereas the NPPF supports well designed new buildings to support sustainable growth and expansion of all types of business and enterprise in rural areas. Recent case law indicates that the NPPF’s focus on the economic aspects of rural growth does not necessarily favour new housing within rural areas. Nevertheless the NPPF arguably reduces the weight given to the restraint implied by Policy S7 and this must be weighed against other and wider sustainability principles.

10.9. The applicants have argued that Uttlesford cannot demonstrate an adequate 5 year supply of housing land. The Council recognises that it has a shortfall, and that it should

consider favourably applications for sustainable residential development which will make a positive contribution towards meeting housing need.

- 10.10. The 5-year land supply update statement (published Wednesday 9 October 2013) considers the supply of housing against the Council's objectively assessed need which is based on the SNPP-2010 projections of 523 dwellings a year. The information below has been updated since to take into account any recent planning permissions.
- 10.11. It is estimated that 2501 dwellings on committed sites will be built during the 5 year period, whilst the requirement is for 2746 dwellings to be built. This relates to 91% of the requirement which is equivalent to 4.7 years. There is therefore a shortfall of 245 dwellings.
- 10.12. As a consequence the Council is presently without a deliverable 5 year supply of housing land and therefore applications have to be considered against the guidance set out in Paragraphs 6 - 15 of the NPPF. The Council has accepted this previously and has considered and determined planning applications in this light. As a consequence, planning permission has been granted for residential development outside designated development limits where appropriate; on sites that are identified for potential future development in the emerging Local Plan, and on sites which are not identified in the emerging Local Plan but which are otherwise considered to be sustainable.
- 10.13. Paragraphs 7 and 14 of the NPPF set out that there is a presumption in favour of sustainable development. The core principles of the NPPF set out the three strands of sustainable development. These are the economic role, social role and environmental role. The NPPF specifically states that these roles should not be undertaken in isolation, because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. It is therefore necessary to consider these three principles in this case.
- (i) Economic role: The NPPF identifies this as contributing to building a strong, responsive and competitive economy, supporting growth and innovation and by identifying and coordinating development requirements, including the provision of infrastructure. Beyond the activity of its construction this proposal for a single home would not appear to deliver a lasting economic role although, as an innovatory "Passivhaus" it has the potential to become an exemplar of its type.
  - (ii) Social role: The NPPF identifies this as supplying required housing and creating high quality built environment with accessible local services that reflect the community's needs and support its health, social and cultural well-being. If permitted the proposal might make a contribution towards the delivery of the housing needed for Uttlesford District as a whole. However, like the remaining forty or thereabouts homes within the conjoined settlements of Strethall and Catmere End, the application site has relatively poor access to most local facilities. The application site is some 300 metres from the nearest bus stop. The Essex Design Guide states that within any larger new urban development the maximum walking distance between any dwelling and a bus stop should be in the order of 400 metres. The application site is closer than this distance. In addition the proposed house includes a designated "home office" of some 22 sq metres (the applicant is a Chartered Architect). That facility would significantly reduce out-commuting and consequent reliance on use of a private car. In addition, like many other residents of Strethall, the applicant anticipates making use of "home deliveries" by one or more supermarket operators, potentially reducing the need to travel by car for basic provisions. Paragraph 29 of the NPPF advises – "...*The transport system needs to be balanced in favour of sustainable transport modes,*

*giving people a real choice about how they travel. However, the Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas”.*

- (iii) Environmental role: The NPPF identifies this as contributing to protecting and enhancing the natural, built and historic environment, including, inter alia, improvements to biodiversity and minimising waste. As provided for by ULP Policy ENV8, “... *Mitigation measures are provided that would compensate for the harm and reinstate the nature conservation value of the locality....Appropriate management of these elements will be encouraged through the use of conditions and planning obligations*”. Subject to compliance with safeguarding conditions recommended below the proposal would appear to have at worst a “neutral” Environmental Role and impact.

## **11. CONCLUSION**

11.1 The following is a summary of the main reasons for the recommendation:

11.2. The development would make a significant contribution towards reducing the recognised shortage of deliverable housing land throughout Uttlesford.

11.3. Although served by relatively infrequent public transport, the location of the proposed development is moderately “sustainable” – albeit reliant on easy access to facilities in Saffron Walden or elsewhere.

11.4 The physical and visual intrusion into adjacent countryside would be minor, mitigated by existing tree planting. The ancient manor of Strethall has no “special” status such as a designated Conservation Area. The ancient alignment of the Icknield Way is unaffected (and has attracted no objection from the Icknield Way Association).

11.5. The 1992 planning permission establishes a clear history of lawful use for commercial purposes. Although apparently moribund in recent years, that lawful use remains in place and the site has significant potential for continued and much more intrusive commercial re-use. Such a re-use might well do substantially more environmental harm than the single dwelling now proposed. Impact upon the two near adjacent Listed Buildings can be better managed by compliance with conditions recommended below - Including conditions relating to the construction period.

### **RECOMMENDATION – CONDITIONAL APPROVAL**

Conditions:

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 Prior to the erection of the new home hereby permitted (not including footings, foundations and internal structure), notwithstanding the answers given to Q9 of the submitted application form and submitted drawings, samples of the finishes to be used in the construction of the external surfaces of the development hereby permitted shall have



been submitted to and approved in writing by the Local Planning Authority. Development shall then be carried out in accordance with the approved details.

REASON: Having regard to the proximity of two adjacent Listed buildings and in the interests of the appearance of the development, pursuant to policies GEN2 and ENV2 of the Uttlesford Local Plan (2005).

- 3 Unless otherwise approved in writing by the Local Planning Authority, the development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum physical harm to the local environment, in accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies

- 4 No demolition, development or preliminary groundwork's of any kind shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant, and approved by the Local Planning Authority.

REASON: In accordance with Policy ENV4 of the Uttlesford Local Plan (2005) and Chapter 12 of the National Planning Policy Framework. (*The Essex Historic Environment Record shows that the proposed development site lies between two farm houses both of which are Listed. A number of farm buildings, are shown on the first to third edition Ordnance Survey maps, two being those that survive on the site at present. A third larger building is shown directly beneath the proposed house site. The listed buildings date from the 16th and 17th century and there is the potential for further buildings of this or earlier date to be identified. The cartographic evidence also shows a large water feature extending to the edge of the development area from the east, which may have its origins as a moat of medieval date*).

- 5 Prior to the commencement of any development on site in pursuance of this permission a Construction Site Environmental Management Plan (CSEMP) shall be submitted to and approved in writing by the Local Planning Authority. In particular but not exclusively that CSEMP shall explain and address the following matters:

- a) The hours and days of operation during which building and engineering operations shall be conducted on-site. And,
- b) The hours and days within which deliveries to the site and surplus materials and wastes shall be removed from the site. And,
- c) The routing to be arranged for deliveries to and from the application site and measures to be taken for their enforcement. And,
- d) The arrangements to be made for a temporary road closure to enable delivery of larger building components and materials to all parts of the site by crane and delivery vehicle located temporarily within Pipers Lane. And,
- e) The location of on-site arrangements for the reception and storage of materials, and the on-site turning/manoeuvring of smaller delivery vehicles. And
- f) The nature and extent of any proposed enlargement, reinforcement or raising of levels to the pre-existing public footpath, where that passes adjacent to the pond at the frontage of the application site.

Once approved by the Local Planning Authority the provisions of that CSEMP shall be strictly adhered to unless a variation has previously been approved in writing by the LPA.

REASON: To safeguard the amenities of nearby residential properties, road safety and environmentally sensitive road verges nearby, throughout the construction period and use of Pipers Lane, in accordance with policies ENV4, GEN2, GEN4, and H4 of the Uttlesford Local Plan (2005).

- 6 In implementation of this planning permission there shall be no burning of surplus vegetation or other wastes on-site.

REASON: To safeguard the amenities of nearby residential properties and road safety throughout the construction period, in accordance with policies GEN2, GEN4, and H4 of the Uttlesford Local Plan (2005).

- 7 Prior to first occupation of any part of the development hereby permitted and so after the greater part of building operations, full details of both hard and soft landscape works throughout the application site shall be submitted to and approved in writing by the Local Planning Authority. Notwithstanding details previously submitted with the planning application, those details submitted for approval prior to completion shall include:

- a) The size, species and manner of planting (tree pits and any growth medium) of all new tree and shrub planting throughout the development as hereby permitted;
- b) The surfacing, width and finished levels of the designated public footpath and vehicular access throughout its retained route within the site – (to make good any damage arising during construction and to improve the drainage of that footpath);
- c) Further to point (b) above, any alterations to surface water drainage between the retained pond within the application site and nearby bodies of water;
- d) Any external lighting or other minor artefacts such as fencing, walls or overhead cables, clear of the pre-existing route of that retained public footpath.

All hard and soft landscape works shall be carried out and implemented in full and in accordance with the approved details. Those works shall be carried out before any part of the new home hereby permitted is occupied or, in accordance with any alternative programme previously agreed in writing with the Local Planning Authority.

REASON: To make good any damage to the local environment arising during the construction process, to ensure that the development as a whole is completed to a satisfactory and high standard of design, in accordance with the policy objectives of policies GEN2; GEN7; ENV3 and ENV8 of the Uttlesford Local Plan (2005).

- 8 The “barn” structure shown to be retained within the western part of the application site shall not be occupied for any purpose other than for purposes that are ancillary to occupation of the new home hereby permitted as a single family dwelling within Use Class C3 of the Town and Country Planning (Use Classes) Order 1995 (or any subsequent re-enactment thereof to similar effect).

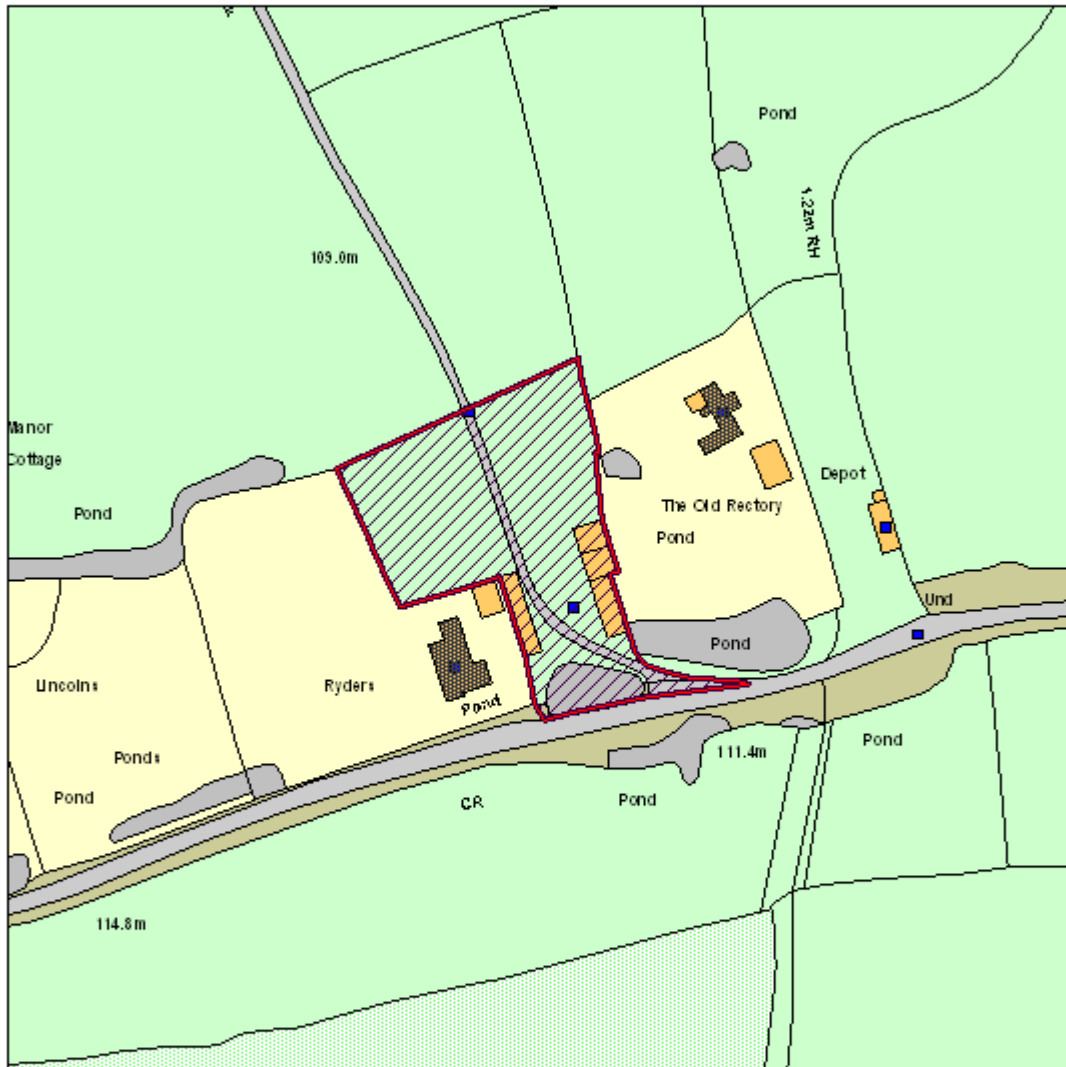
REASON: To safeguard the amenities of adjacent residential properties and to minimise disruption to public use and enjoyment of the adjacent public footpath, in accordance with Policy GEN1 of the Uttlesford Local Plan (2005).

# UTT/13/3123/FUL

## Ryders Barns Strethall Lane Strethall



GIS by ESRI (UK)



Scale : 1:1250

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Department	Planning
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