

SOUTH HOLLAND DISTRICT COUNCIL

Report of: Development Manager

To: Planning Committee - 06 October 2021

(Author: Sundas Shaban - Planning Officer)

Purpose: To consider Planning Application H01-0232-20

Application Number: H01-0232-20

Date Received: 09 March 2020

Application Type: FULL

Description: Siting of portacabin for storage, static caravan and temporary chicken shed - retrospective

Location: Drain Bank North Cowbit Spalding

Applicant: Miss D Jacques

Agent: Miss D Jacques

Ward: Cowbit, Weston and Moulton

Ward Councillors: Cllr R Grocock
Cllr A Casson
Cllr A R Woolf

You can view this application on the Council's web site at

<http://planning.sholland.gov.uk/OcellaWeb/planningDetails?reference=H01-0232-20>

1.0 REASON FOR COMMITTEE CONSIDERATION

1.1 Issues raised merit Committee consideration.

2.0 PROPOSAL

2.1 Full planning permission is sought retrospectively for the siting of a portacabin to be used for the storage of farming equipment associated with the current agricultural use of the site, a static caravan and a temporary chicken shed off Drain Bank North, Cowbit, Spalding.

2.2 A long roadway access links the site to the east with Drain Bank North to the west. The site is currently used to keep horses plus goats, chickens, ducks and geese on a non-commercial basis. The land is mostly grass with an additional area for walking and rough grazing at the northern end of the site.

2.3 Adjoining a container, the portacabin currently sits off Drain Bank North, close to the A16. Opposite Drain Bank North, there is a lorry body with advertisement boarding belonging to Spalding Rugby Club.

2.4 The applicant proposes to move the portacabin unit further away from the road to the enclosed land. The container will remain at the current location. The portacabin will be used solely for the storage of hay, straw, animal feed along with a ride on mower and maintenance equipment which is used for the upkeep of the land.

2.5 The static caravan is not used as a residential dwelling or living accommodation, but is used for tea making and WC facilities when the applicant is on the site.

- 2.6 The portacabin, static caravan and chicken shed are proposed to be on the site for a 5 year period. A condition is suggested to control this, which is set out below.
- 2.7 The applicant purchased the site in 2018. The container was already in place at that time. It appears to have been sited sometime between 2010 and 2014.
- 2.8 This application was previously reported to the Chairman's Panel meeting on 31 July 2020, when it was deferred in order to gather further information regarding the purpose of the portacabin and current use of the site, among other issues. It was then considered at the 16 October Panel and again on 23 July 2021 Panel where Members considered it should be referred to Planning Committee. The Panel requested that the committee report should clearly set out the wider context of the site and the enforcement history.
- 2.9 Since the October Panel the application has been amended to include the additional structures on the site. The applicant has clarified that she has sought pre-application advice on a number of occasions, she was advised that planning permission would not be required to use the static caravan as a tea room, plus the static caravan is moved around throughout the year. The shed was only erected due to the planning application taking so long to determine. Also in support of the application the applicant proposes to clad the relocated portacabin in timber to make it more in keeping with the countryside and to paint or screen the shipping container.

3.0 SITE DESCRIPTION

- 3.1 The site is greenfield land and lies in the open countryside. It is located to the north of the A16, off Drain Bank North, and is approximately 1.4km to the north-east of the built-up area of Cowbit.
- 3.2 The site is mainly a triangular parcel of land adjoining a dismantled rail track. There is a 380 metre long roadway that connects the site (east) with Drain Bank North (west) and provides highway access. The site layout is such as the land was formerly used as an airstrip. Post and rail fencing with gates enclose the triangular part of the site. Young leafy trees obscure views on the site on the western boundary and partially on the north-eastern boundary.
- 3.3 A graffiti-painted container and a boarded portacabin stand on the roadway off Drain Bank North. Inside the enclosed land, there are three areas. A long strip of land running in parallel with the southern boundary, a central part with grassed land and the northern end with grazing land. There is rail and post fencing among the three areas.
- 3.4 There is a small-scale shed near the gated access and a short polytunnel. A goose run is a few metres ahead on the long strip of land. An excavator has also been observed. Adjacent to the hedgerow on the western boundary, from north to south, there is a medium-sized timber shed and a large timber stable. A few metres further, a horse box and a white static caravan. The northern end of the site is grazing land with horses.

4.0 RELEVANT PLANNING POLICIES

4.1 The Development Plan

- 4.2 If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, Section 38 (6) to the Town and Country Planning Act as amended by the 2004 Act states that the determination must be made in accordance with the plan unless material considerations indicate otherwise.

4.3 South East Lincolnshire Local Plan, March 2019

Policy 1 - Spatial Strategy
Policy 2 - Development Management
Policy 3 - Design of New Development

4.4 National Guidance

4.5 National Planning Policy Framework (NPPF), 2021

Section 12 - Achieving Well-Designed Places

4.6 Planning Practice Guidance (PPG)

5.0 **RELEVANT PLANNING HISTORY**

5.1 ENF-97-18-E01 - Siting of Static caravan, flat bed truck and mini-digger - query received 01/05/18. Investigation revealed site recently purchased, digger on site to clear dykes, static not in a fit state to be habitable and no services on site, was a touring caravan which owner had stayed in a few days whilst digger was on site. Owners stated would not be living on site and intention was to keep 2 Shetland ponies on the land, with the static used as a tea room. 23/05/18 Field shelter observed - owner states it is mobile and therefore does not require permission. 20/07/18 static caravan and horse transporter observed on site. 30/11/18 case closed in light of no further complaints and no evidence of breach of planning control.

5.2 ENF-15-20-E01 - Parish Council complaint 21/01/20 - concerned that the site is being used for non-agricultural purposes. Sectional building delivered to site, but not yet erected and also that the caravan is being used for residential purposes.
Cllr Casson advised by Enforcement Team Leader that grazing horses would not require planning permission nor may a truly mobile field shelter but other structures would. Site visit on 20/01/20 found no evidence of anyone living on site. Static has no gas or electricity - being used for storage. Horses, geese and goats on site.
05/02/20 further site visit following new complaint about portacabin on site, Photo on file showing portacabin being delivered by crane. Owner had made enquiry regarding running dog grooming business from the site.
09/03/21 planning application received.

5.3 PE-00312-19 - Erecting a large shed for dog grooming business and generating electricity through solar power received 11/07/19. Advised planning permission required.

5.4 PE-00285-19 - Proposed dirt track laid with crushed concrete along the edge of the field received 21/06/19.

5.5 PE-00013-19 - Proposed stables received 04/01/19. Advised that provided for private use and not commercial didn't envisage any issue with such an application.

5.6 PE-00147-18 - Potential use of land for: siting a static caravan; stable block; holding car boot sales and possibility of erecting a property - received 06/04/18. Submitted prior to purchase, stated that the land had been in the same ownership for many years. Had been used in the past as a private airstrip. Currently 4.2 acres laid to grass with an additional 1.27 acres suited to walking and rough grazing land with hawthorn hedging and mature trees. Land is grade 2, has some fencing and has a container sited near the gate.

6.0 **REPRESENTATIONS**

6.1 **Cowbit Parish Council**

6.2 Objects to the proposal on the following basis:
-The granting of permission would encourage people to apply retrospectively
-Queries about what will be stored in the portacabin as it could invite crime
-The unit is located on open agricultural farm land and not in keeping with the surrounding area

7.0 **CONSIDERATIONS**

7.1 **Planning Considerations**

7.2 Principle of development

- 7.3 The site is not located within a settlement boundary as set out in the South East Lincolnshire Local Plan (SELLP), 2019, and is therefore within the countryside in planning policy terms. The site is currently used for non-commercial animal farming comprising horses, goats, chickens, ducks and geese.
- 7.4 The proposed relocation of the portacabin is for operational purposes relating to the activities on the enclosed land. The structure will be used solely for the storage of hay, straw, animal feed along with a ride on mower and maintenance equipment which is used for the upkeep of the land. Having said that, the principle of siting a portacabin which is incidental to a typically countryside use, and for the maintenance of such land, is acceptable.
- 7.5 Section 38(6) of the Town and Country Planning Act, as amended by the 2004 Act, states that the determination must be made in accordance with the development plan unless material considerations indicate otherwise. The key material considerations are addressed below.

7.6 Design and layout

Paragraph 130 of the National Planning Policy Framework (NPPF), 2021 establishes that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area; and are visually attractive as a result of good architecture and sympathetic to local character and history, including the surrounding built environment and landscape setting. Likewise, Policy 2 of the SELLP states that design which is inappropriate to the local area, or which fails to maximise opportunities for improving the character and quality of an area, will not be acceptable.

- 7.7 The portacabin for which retrospective permission is sought measures 3.50 metres in height, 9 metres in width and 9.75 metres in length. Given the site area and existing outbuildings within the enclosed site, the development overall appears commensurate with its setting in terms of scale, mass and bulk.
- 7.8 The visual impact of the relocated portacabin is deemed acceptable upon the rural character of the area. The portacabin clearly has a functional appearance and is in a visibly used condition. In this regard, the applicant has shown willingness to improve the conditions of the portacabin by the use of timber cladding in order to upgrade the appearance, thermal insulation and the weather resistance of this outbuilding. This can be secured via a condition. Irrespective of the additional measures, the proposed new location for the cabin is between the stables and the static caravan to the north, all adjoining the hedge on the western boundary of the site. At such location, it will not be readily visible from the A16 or adjacent land. Hedging on the site boundaries obscure views onto the site, especially from Drain Bank North (west).
- 7.9 Overall, it is considered that the portacabin meets the needs for agricultural storage and it would not result in material harm to the rural setting. The other structures are modest in scale and of timber construction which is considered acceptable in this location. The proposal therefore complies with the aforementioned Policies 2 and 3 of the Local Plan.

7.10 Residential amenity

- 7.11 No residential use is established on the site nor in the wider area. The built-up area of Cowbit is approximately 1.4km away. As such, it is not considered that impact on residential amenity is an issue in this case.

7.12 Other matters

- 7.13 Criterion (f) of Paragraph 130 of NPPF, 2021 states that new development should "create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience".
- 7.14 The relocation of the portacabin within the site would bring it within range of an existing CCTV system. As described above, this is in response to a previous crime event where equipment

was stolen from the container in its present location. This should contribute to improve the security of the unit and its setting in accordance with the above-mentioned paragraph of the NPPF, 2021.

7.15 Planning Balance

The application has been amended to include all the structures on the site. The proposals to improve the appearance of the portacabin by cladding it with timber and painting the container would significantly lessen the impact, plus further information has been provided in relation to the use and history of the site. Given this it is considered the planning balance is in favour of the proposal.

7.16 Conclusion

7.17 In view of the concerns expressed by Chairman's Panel members and the objector, the applicant has provided additional information to clarify the purpose of the proposed relocation of the portacabin in the context of the existing use and the background of the site. Furthermore, the applicant has proactively recommended additional works to ensure that the relocated portacabin will be upgraded in the interests of visual integrity. The scheme is now considered acceptable therefore a recommendation for approval can be made.

7.18 **Additional Considerations**

7.19 Public Sector Equality Duty

7.20 In making this decision the Authority must have regard to the public sector equality duty (PSED) under s.149 of the Equalities Act. This means that the Council must have due regard to the need (in discharging its functions) to:

A. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act

B. Advance equality of opportunity between people who share a protected characteristic and those who do not. This may include removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; taking steps to meet the special needs of those with a protected characteristic; encouraging participation in public life (or other areas where they are underrepresented) of people with a protected characteristic(s).

C. Foster good relations between people who share a protected characteristic and those who do not including tackling prejudice and promoting understanding.

7.21 The protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

7.22 The PSED must be considered as a relevant factor in making this decision but does not impose a duty to achieve the outcomes in s.149. It is only one factor that needs to be considered, and may be balanced against other relevant factors.

7.23 It is not considered that the recommendation in this case will have a disproportionately adverse impact on a protected characteristic.

7.24 Human Rights

7.25 In making a decision, the Authority should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as South Holland District Council to act in a manner that is incompatible with the European Convention on Human Rights. The Authority is referred specifically to Article 8 (right to respect for private and family life) and Article 1 of the First Protocol (protection of property).

7.26 It is not considered that the recommendation in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is

necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general public interest and the recommendation is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

8.0 RECOMMENDATIONS

8.1 Grant permission subject to those Conditions listed at Section 9.0 of this report.

9.0 CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

FD-J-PE12-1
FD-J-PE12-2 Rev 1
Applicant Statement dated 19 September 2020

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The structures hereby permitted shall be removed from the site at or before 6th October 2026 and the site restored to its former condition before that date.

Reason: The structures are of a temporary design and materials of construction and are only permitted to provide short term facilities to serve the needs of the applicant. The retention of the structures beyond this date would be harmful to the visual amenity and character of the locality by virtue of its temporary nature and the potential for its fabric to become dilapidated. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

3. Details of the timber cladding to be used on the portacabin shall be submitted to the Local Planning Authority within two months of the date of this consent, and shall be installed in accordance with the approved details within two months of approval. The cladding shall be retained for the duration of the use of the portacabin on the site.

Reason: To ensure that the Local Planning Authority retains control over the external finish of the development in the interests of the character and appearance of the development and the visual amenity of the area in which it is set. This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

4. The static caravan hereby permitted shall be limited to ancillary kitchen and WC facilities in association with the current agricultural use of the site only, and shall not be occupied as residential accommodation either ancillary or separate from the agricultural use.

Reason: The structures are of a temporary design and materials of construction and are only permitted to provide short term ancillary facilities to serve the needs of the applicant. The use of the caravan as residential accommodation would be tantamount to a new dwelling in the countryside, contrary to the provisions of the South East Lincolnshire Local Plan, 2019 and the provisions of the NPPF 2021.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

5. The use of the portacabin hereby permitted shall be limited to the storage of farming equipment associated with the current agricultural use of the site only.

Reason: To ensure that the portacabin is used solely in association with the current use of the site.

This Condition is imposed in accordance with Policies 2 and 3 of the South East Lincolnshire Local Plan, 2019.

6. The Local Planning Authority has acted positively and proactively in determining this application by assessing it against all material considerations, including national guidance, planning policies and representations that have been received during the public consultation exercise, and by identifying matters of concern within the application and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal.

This decision notice, the relevant accompanying report and the determined plans can be viewed online at <http://planning.sholland.gov.uk/OcellaWeb/planningSearch>

Background papers:- Planning Application Working File

Lead Contact Officer

Name and Post:	Richard Fidler , Development Manager
Telephone Number:	01775 764428
Email	rfidler@sholland.gov.uk

Appendices attached to this report:

Appendix A Plan A

MapThat Scale Print Title

