

DECISION DELEGATED TO DEVELOPMENT MANAGER

Application No:	H01-0610-20	Applicant:	Mrs F Rafferty
Proposal:	Change of use of log cabin from personal recreational use to use for beauty business		
Location:	20 Willow Court Cowbit Spalding		
Terminal Date:	23rd September 2020		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

02	Development Management
03	Design of New Development

National Guidance

National Planning Policy Framework 2019

Section 6- Building a strong, competitive economy
 Section 12- Achieving well designed places

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	1	0	0
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	1	0
RESIDENTS	0	0	0	1

CASE OFFICER ASSESSMENT

Proposal

This is a full planning application for the proposed change of use of a log cabin from personal recreation use to use for a beauty business at 20 Willow Court, Cowbit.

Site Description

The log cabin is situated in the rear garden of 20 Willow Court, Cowbit. The property is a detached dwelling which is situated central to Cowbit and located within a new residential development, surrounded by dwellings of a similar age and design.

The property has a tarmac driveway to the side of the dwelling, which could accommodate approx. 2-3 cars. The dwelling has a small grassed front garden with no boundary treatment.

History

No relevant history.

Consultation Responses

Cowbit Parish Council - Support.

LCC Highways - Does not wish to restrict the grant of permission.

SHDC Environmental Protection - No comments with respect to land contamination.

Public (1 comment) - Concerns raised about where clients would park.

Planning Considerations

Principle

The proposal is for an existing log cabin, which is currently being used for personal recreational use, to function as a small beauty business for one customer at a time.

The site is located within the defined settlement limit for Cowbit as set out in the South East Lincolnshire Local Plan (2019) (SELLP), however it does not lie within a defined retail centre. Policy 1 of the SELLP sets out that within Minor Service Centres such as Cowbit, "development will be permitted that supports their role as a service centre for the settlement itself, helps sustain existing facilities or helps meet the service needs of other local communities. Development will normally be limited to Allocated and Committed sites and infill."

The beauty business could potentially be located elsewhere in available commercial premises in a town centre location, however running a beauty business from home is an increasingly common practice and applications have been approved for such uses at residential properties in the past. It is not considered that the operation of this business, which is small in scale, in this location would undermine the viability of the district's retail centres. It would help meet the needs of the local community.

The log cabin also spares the use of a room within the dwelling for business use and is a beneficial space for the applicants needs.

Taking the above into account, the proposed change of use is considered acceptable in principle.

Impact upon Residential Amenity

There is potential for a negative impact upon residential amenity by introducing a commercial use into a residential street. However, given the limited nature of the use and the ability to control this by conditions, including opening hours it is considered that there would be limited impact.

In light of this, the proposal is considered to comply with Policy 3 in the South East Lincolnshire Local Plan, 2019 and Section 12 in the NPPF, 2019 in regards to impacts upon residential amenity.

Highways/Parking

The proposed change of use to a beauty business will involve clients visiting the property. The applicant has confirmed that only one customer will be attending the business at one time and that their vehicle can be accommodated on the existing driveway. The Highway Authority have raised no objections to the application.

Appendix 6 to the Local Plan sets out minimum car parking standards for development, however it does not explicitly cover scenarios such as business uses at residential properties. In the absence of an objection from the Highway Authority, the proposed parking arrangement is considered acceptable.

Conclusion

In light of the considerations above the proposed development is considered to be in accordance with Policies 1, 2 and 3 of the South East Lincolnshire Local Plan (2019) and of Section 12 of the National Planning Policy Framework (2019).

The recommendation is therefore for a delegated approval.

Additional Considerations

Public Sector Equality Duty

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.

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

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.

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

Human Rights

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).

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.