DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0385-22**	**Applicant:**	**D Brown Builders Contractors Ltd.**
Proposal:	Details of elevational & cross section plans of the building (Condition 15 of H02-0844-20)		
Location:	Cloot House Cloot Drove Crowland		
Terminal Date:	1st August 2022		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019

01	Spatial Strategy
29	The Historic Environment
02	Development Management
03	Design of New Development
04	Approach to Flood Risk
23	The Reuse of Buildings in the Countryside for Residential Use
28	The Natural Environment
30	Pollution
31	Climate Change and Renewable and Low Carbon Energy

National Guidance

National Planning Policy Framework 2021

NPPF 2021. - Sections 5, 12 and 16

Representations:

	Object	Support	No Obj.	Comments

CASE OFFICER ASSESSMENT

Proposal

Details of elevational & cross section plans of the building (Condition 15 of H02-0844-20).

Site Description

As host consent.

History

H02-0844-20.

SEC 73 MODIFICATION. Proposed extension and conversion of barn and stable to residential - approved under H02-0388-19. Modification of Condition 2 to allow amendments to previously approved plans. Approved 26-11-20.

H02-0388-19

Proposed extension and conversion of barn and stable to residential. Approved 06-06-19

Consultation Responses

None received

Planning Considerations

Condition 15

"*Before the commencement of the development hereby permitted, elevational and cross sectional plans of the building(s) at a scale of not less than 1:100 illustrating the extent of any proposed demolition and reconstruction including the proposed replacement of any of the existing roof structure and roof timbers shall be submitted to and approved in writing by the Local Planning Authority. No works of demolition/reconstruction or replacement of the existing fabric of the building(s) shall be undertaken other than those works so approved.*

Note: You are advised that should it become necessary during conversion to undertake works beyond those approved by this condition then this planning permission may become invalid and the development treated as the erection of a new building which will necessitate the submission of a planning application for such. That application will be considered under relevant local planning policies and may not be acceptable.

Reason: Planning permission is only granted for conversion and extension of the existing building(s) as set out in the approved plans, by virtue of the architectural and historic quality of the building(s). Significant alteration and reconstruction beyond the details contained in the approved plans would be likely to be considered to be tantamount to the erection of a new dwelling in the open countryside which would be contrary to national guidance contained in Sections 5, 12 and 16 of the National Planning Policy Framework, 2019, and Policies 1 and 23 of the South East Lincolnshire Local Plan, 2019. This issue is integral to the development and therefore full details need to be finalised prior to the commencement of works.
This Condition is imposed in accordance with Policies 1 and 23 of the South East Lincolnshire Local Plan, 2019."

It is considered that the submitted details are acceptable. This is because upon the balance of probabilities, it is considered that the structural alterations/reconstructions fall within the remit of the restrictions of Policy 23 of the South East Lincolnshire Local Plan in that the required alterations do not represent such a significant alteration as to disqualify the structure from conversion.

All major elements of demolition and reconstruction such as the segment marked number 1 in the scheme of demolition, were agreed upon in the host application. the remainder simply outlines internal wall demolitions which are of no consequence to the character or adaptability of the host structure. Otherwise the only external alterations proposed by this scheme of structural works is the addition of several window openings and the removal of pre-existing external accoutrements, mostly for later reuse. None of these adaptations cause this proposal to fall outside of the remit of Policy 23 of the SELLP or negatively impact upon the character of the site in a manner which was not mitigated against using the extensive building recording submitted alongside the host application.

Conclusion

For the reasons listed above, this application is found to be in accordance with Policies 1 and 29 of the South East Lincolnshire Local Plan (2019) as well as Sections 5, 12 and 16 of the NPPF (2021). Therefore, this application is recommended for 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.