DECISION DELEGATED TO HEAD OF PLANNING

Application No:	**H02-0555-23**	**Applicant:**	**Mr J Thame**
Proposal:	Proposed two storey ancillary building comprising garages/storage/office area/bedrooms - Retrospective		
Location:	Queens Bank House Queens Bank Crowland		
Terminal Date:	11th August 2023		

Planning Policies

South East Lincolnshire Local Plan - Adopted: March 2019	
01	Spatial Strategy
02	Development Management
03	Design of New Development
07	Improving South East Lincolnshire's Employment Land Portfolio

National Guidance

National Planning Policy Framework 2023

Sections 6 and 12 of the National Planning Policy Framework (2021)

Representations:

	Object	Support	No Obj.	Comments
PARISH COUNCIL	0	0	0	1
WARD MEMBER	0	0	0	0
HIGHWAYS & SUDS SUPPORT	0	0	0	1
NORTH LEVEL INTERNAL DRAINAGE BOARD	0	0	0	1
SHDC INTERNAL	0	0	1	0
OTHER STATUTORY BODIES	0	0	0	2

CASE OFFICER ASSESSMENT

Proposal

This planning application is for the part-retrospective erection of a 2 storey ancillary building comprising garages/storage/office area and bedrooms

Site Description

Queens Bank House is a large, C19th period property out in open countryside. The surrounding area is entirely characterised by open countryside apart from the proposal site. The curtilage of Queens Bank House also contains a large range of C19th agricultural buildings. The applicant has demolished the South-Oriented branch of this range of buildings in order to make way for this proposal and the requirement for consent has come about as a result of the Enforcement team having intervened.

Queens Bank House sits on a large, open curtilage. Whilst the house is not, in itself listed, due to its grandeur and authenticity to its original C19th style, it can be considered to be a Non-designated Heritage Asset. This is corroborated by the fact that the Lincolnshire County Council Historic Environment Record has recorded the property for its contribution to the historic environment. The LCC HER's description of the property is as follows:

"Queen's Bank Farm, Crowland. Partially extant 19th century farmstead. Regular courtyard of U plan. The farmhouse is detached from the main working complex. There has been a partial loss (less than 50%) of traditional buildings. Isolated location. Large modern sheds are located to the side of the site."

As can be seen, the barns on the site which form/formed the U Plan courtyard, which are the subject of this proposal are considered to be a vital element of the character of this asset.

History

H02-1171-21

Proposed two storey extension & alterations. Approved on 10-01-22

Consultation Responses

Crowland Parish Council

No comments. Leaves the determination to the case officer.

Lincolnshire County Council Historic Environment Record

No Archeaological Input required.

Lincolnshire County Council as Lead Local Highways and Flood Authority

No objections

Lincolnshire Bat Group

No comments.

South Holland District Council Environmental Protection Team

Requested a Screening Assessment Form be completed. The applicant subsequently complied with this request, and this document was re-consulted to the Environmental Protection Team for further comment.

Following consultation with the environmental protection team on the newly supplied Screening

Assessment Form, they returned comments confirming no further comment.

Planning Considerations

Principle of development

The site is located in open countryside outside of any defined settlement boundary. However, as the proposal seeks to erect a structure in association with an established residential plot, therefore, the principle of the erection of an ancillary structure is established.

The site does sit within a mix of Flood Risk Zones 1 and 2, though the site is situated within extreme close proximity to Zone 3, which actually covers a large part of the residential curtilage of the proposal site. Nonetheless, no ground floor domestic accommodation is proposed by this application and as such, no mitigation methods appear necessary at this site.

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.

Policy 7 of the South East Lincolnshire Local Plan, 2019 (SELLP) - Improving South East Lincolnshire's Employment Land Portfolio

A number of observations with regard to the proposed 'office' use of the proposal. The applicant has not provided a statement of justification relating to the nature of the business the proposed office is intended to serve, and does not seek a change of use for the site. This would be understandable should the applicant be seeking to create a reasonable and modest home office to conduct reasonable work from their home and domestic environment. An assessment of the plans show that the applicant appears to be seeking permission for an exceptionally large office space, with multiple office rooms, a kitchenette within the office space, and both waiting and customer seating areas within the proposed office. From this, it appears clear that the applicant intends to receive customers regularly at the site, and possibly to employ a number of members of staff. The proposed office appears to exceed any reasonable definition of a home office. As such, this proposal is considered under an appreciation that what is proposed here is a part domestic/commercial mixed use enterprise and therefore to be assessed under policies governing employment and commercial development.

As the proposal site is not within any employment area established by the Policies Map of the SELLP, it can be categorised by policy 7 under the 'other employment sites' section of that policy.

Policy 7 (other employment sites) of the SELLP confirms the following:

"New employment development/businesses or the extension of an existing business outside the above allocated employment sites will be supported provided that the proposal involves the re-use of previously-developed land or the conversion/re-use of redundant buildings. Where it can be demonstrated that no suitable building capable of conversion/re-use is available or the re-use of previously-developed land is not available or is unsuitable, proposals on non allocated sites may be acceptable provided:

a. the development does not conflict with neighbouring land uses;

b. there is no significant adverse impact upon the character and appearance of the area;

c. the design is responsive to the local context;

d. there will be no significant adverse impact on the local highway network;

e. there will be no significant adverse impact upon the viability of delivering any allocated employment site;

f. proposals maximising opportunities for modal shift away from the private car are demonstrated; and

g. there is an identified need for the business location outside of identified employment areas on the Policies Map"

Although no demonstration has been provided by the applicant to this effect, it is plainly observable that this proposal would pass sections a and e of the above policy requirements. However, the proposal fails to meet requirements b, c, d, f and g of the above, for the following reasons;

The proposal seeks permission for a large, modern 2 storey building in an open countryside setting, which would be at visual odds with its surroundings. No other buildings within the immediate setting are of a style which matches with the proposed, which is not considered to present any architectural merit to the area and neither is it considered to be sympathetic to the setting. Queens Bank House and the associated outbuildings are not listed, however, it they be considered to be a non-designated heritage asset, as per the site's inclusion within the Lincolnshire Historic Environment Record (reference MLI123856). The proposed structure is at odds with its historic surroundings both in its modern, unattractive design and the overall scale. The proposal therefore fails to satisfy requirements B and C as above.

The proposal seeks permission for the establishment of what appears to be a business use which services customers on site and at scale, with staff, given the proposed inclusion of customer waiting areas, multiple office spaces, a staff kitchen, as well as living accommodation which bares an interconnected and close relation to the proposed commercial space. As such, the Local Planning Authority anticipates that the proposed development would lead to customer traffic arriving on site frequently, which is considered to present a risk to the local highway network, as Queens Bank House is only accessible via Queens Bank which is a low capacity country lane, situated in open countryside, a substantial distance from any existing settlement or population centre. Because of this and because the proposal seeks consent for a public, customer-oriented commercial use for the site, in a location which does not account for easy public access via any other method than motor vehicle, the proposal fails to meet requirements d and f of the above.

Finally, as previously discussed, the site is not within any established employment site, and is situated in a location considered to be a part of the countryside as per planning consideration. No justification for a commercial development of this sort in this location has been provided and as such, the proposal fails to meet requirement g of the above.

As such, it is considered that the proposal represents a contradiction of Policy 7 of the SELLP.

Design and Heritage Impact

The site in question is not a listed property, however, it is a clear example of a non-designated heritage asset, being included within the Lincolnshire County Council Historic Environment Record (reference: MLI123856). As such, the proposal can be considered under the guidance of SELLP policies relating to heritage.

Policy 2 of the SELLP states that:

"Proposals requiring planning permission for development will be permitted provided that sustainable development considerations are met, specifically in relation to: (...)

8. impact or enhancement for areas of natural habitats and historical buildings and heritage assets (...)"

Policy 3 of the SELLP states that:

"All development will create distinctive places through the use of high quality and inclusive design and layout and, where appropriate, make innovative use of local traditional styles and materials. 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.

Development proposals will demonstrate how the following issues, where they are relevant to the proposal, will be secured:

1. creating a sense of place by complementing and enhancing designated and non designated heritage assets; historic street patterns; respecting the density, scale, visual closure, landmarks, views, massing of neighbouring buildings and the surrounding area; (...)

3. the landscape character of the location (...)

Policy 29 of the SELLP states that:

"To respect the historical legacy, varied character and appearance of South East Lincolnshire's historic environment, development proposals will conserve and enhance the character and appearance of designated and non-designated heritage assets, such as important known archaeology or that found during development, historic buildings, conservation areas, scheduled monuments, street patterns, streetscapes, landscapes, parks (including Registered Parks and Gardens), river frontages, structures and their settings through high-quality sensitive design."

As discussed above in the 'Policy 7 of the South East Lincolnshire Local Plan, 2019 (SELLP) - Improving South East Lincolnshire's Employment Land Portfolio' section of this report, the proposed development is not considered to be of a design which is appropriate to the historic setting. The proposed modern design does not match closely or in sympathy with any of the historic elements of the site, with the large, modern glazed gable appearing to be at particular odds with the setting, in addition to the enhanced scale of the proposed structure. Therefore, the design as proposed is considered to neither conserve or enhance the historic setting and resultantly, the proposal fails to satisfy Policies 2, 3, and 29 of the SELLP.

Residential Amenity

The Local Planning Authority considers that the proposed development would not risk any harmful impact upon local residential amenity. Whilst the proposal seeks consent for a large structure with a substantial amount of window openings at above ground floor level, the site is isolated from any neighbours, as the immediate setting is one of extreme low density rural development, with the site featuring a very large, wide plot, with the nearest residential neighbours being situated at such a distance as for this proposed development to not risk any material overlooking or overshadowing impact upon them.

Conclusion

For the reasons set out above, the Local Planning Authority deems the proposed development to contradict Policies 2, 3, 7 and 29 of the South East Lincolnshire Local Plan (2019). Therefore, this application is recommended for refusal.

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.